

WHO IS THE NEXT PAT ROBERTSON? SEE PAGE 25

THE AMERICAN Prospect

LIBERAL INTELLIGENCE

NOVEMBER 2005

The Liberal Hawks'
March of Folly

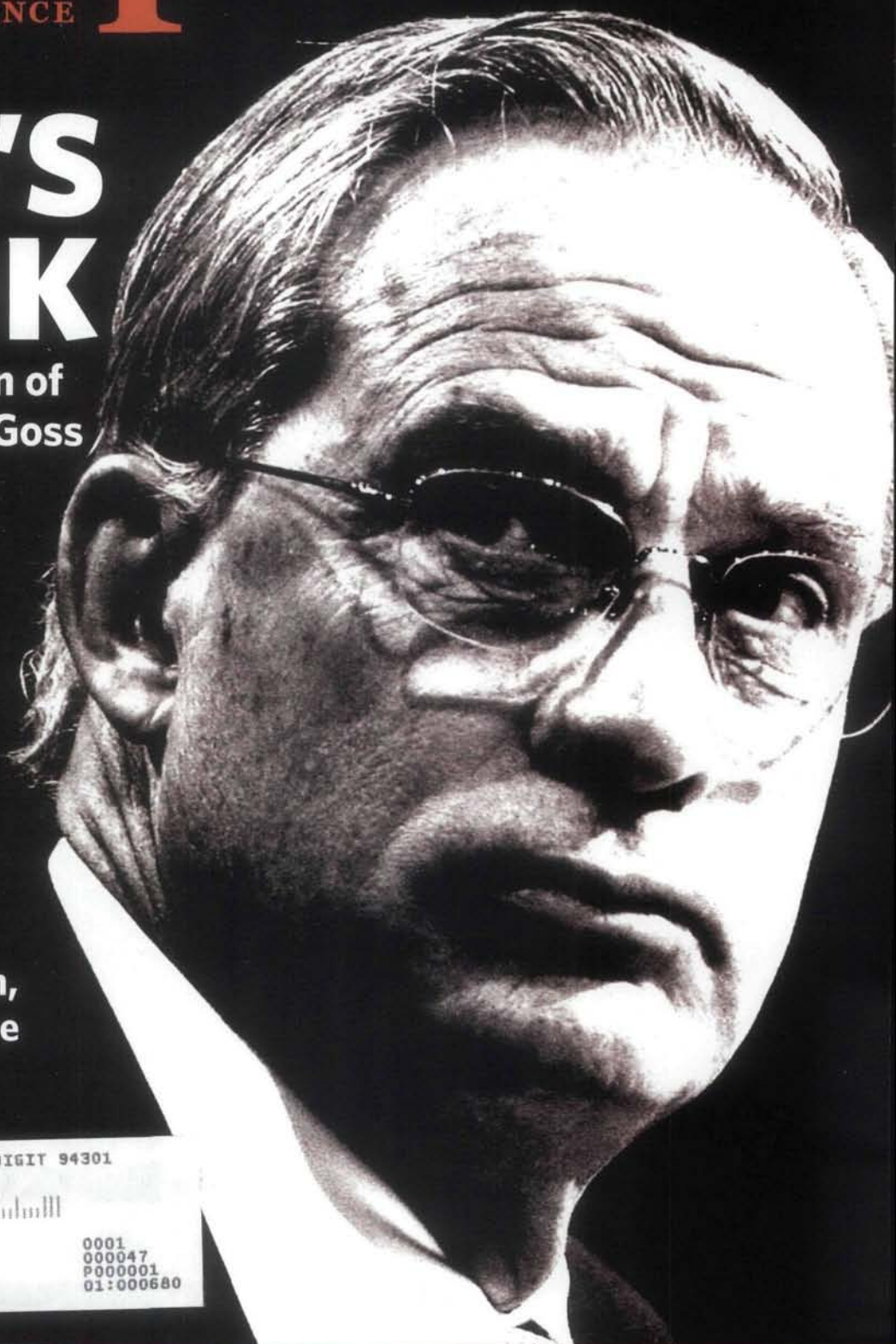
Does This Geena
Davis Thing Help?

BUSH'S SPOOK

The destructive reign of
CIA Director Porter Goss
ROBERT DREYFUSS

FALL BOOKS ISSUE

Reviews of Joan Didion,
Sean Wilentz, and more



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THE AMERICAN Prospect

LIBERAL INTELLIGENCE

*"I want to stay as close to the edge
as I can without going over."*

— KURT VONNEGUT

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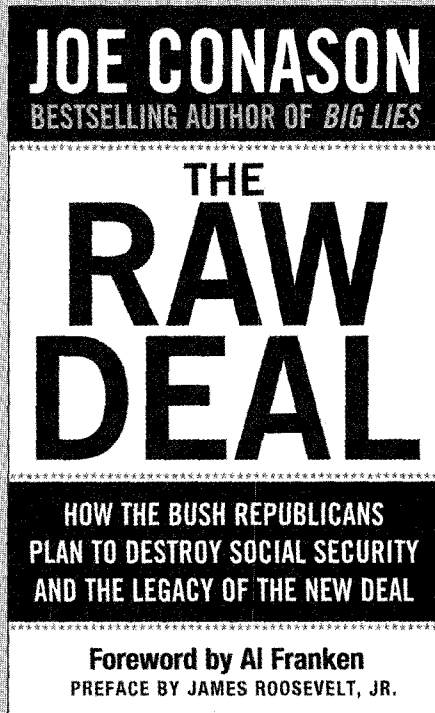
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Slouching Toward Disaster

MOST OF US DO NOT ORDINARILY CONSIDER OUR lives to be at stake in matters of public policy.

The prospect of an avian flu pandemic, however, puts us all in jeopardy, and if the dilatory response of the Bush administration proves fatal in this case as it did after

August 2001, when the president was told that Osama bin Laden was about to strike within the United States yet did nothing, or in the years leading up to Hurricane Katrina, when engineers repeatedly warned that the levees in New Orleans were inadequate, we will pay an even greater price for our slothful, ideologically driven, and crony-ridden national leadership than in either of the epochal disasters that have so far befallen America in the Bush years.

Scientific concern about avian flu did not just emerge recently, though one might have thought so from the flurry of administration activity this past month. Nor is the concern about a pandemic solely the result of the appearance of the H5N1 virus and the high mortality rate among the small number of known cases. Flu pandemics are a recurrent historical phenomenon. The concern about flu is not like the anxiety about killer asteroids, which, it is true, have struck before—millions of years ago. The flu pandemic that took 50 million to 100 million lives worldwide in 1918 was followed by lesser pandemics in 1957 and 1968. Scientists have told us for years that it was not a question of “if” but “when” another flu pandemic would strike.

Yet, in recent years, the United States allowed itself to become totally dependent on foreign manufacture of flu vaccine—sources that would be grossly inadequate, in both quantity and speed

of production, in the event of a pandemic. For national defense, we refuse to become similarly dependent on foreign suppliers of weapons; indeed, the Department of Defense tries to maintain more than one supplier for its various needs. Vaccines ought to fall under that same policy, and for much the same reason: Our lives may depend on the availability of multiple domestic sources in a crisis. Although one manufacturing facility for flu vaccine is now under construction in the United States, it will still leave us far short of the necessary capacity.

Conservatives, always ready to blame the tort system, say pharmaceutical manufacturers have fled the vaccine business because of the potential liability, and that if we want them to make vaccines, the government should absolve them of any liability for defects. But, as there is a serious risk of contamination in vaccine production, eliminating liability could invite new dangers. The real problem is that, given the size of the market, the commercial incentives to invest in vaccine development and production are incommensurate with the social need. Sales of all vaccines represent only 2 percent of the total market for pharmaceuticals. Unlike the most profitable drugs,

which need to be taken frequently, a vaccine is typically given once or a few times. Every year, because of mutations in the virus, the flu vaccine must be changed, and the past year’s unsold inventory becomes worthless.

This is an instance, in other words, where government has to provide the incentives—and direction—that the market cannot be expected to generate on its own. The threat of a flu pandemic demands large-scale public financial commitments, comprehensive planning, a crash effort to develop new vaccine technologies and build new facilities to produce both vaccines and antiviral drugs, and local public-health preparedness. Unfortunately, none of these things comes naturally or quickly to an administration averse to bold public action and in a society where public-health organization has suffered long neglect. Trying to assure the public he’s on the case, the president has spoken of calling in the military to quarantine affected regions—a display of his instincts that showed just how little he understands the problem.

No one knows whether the H5N1 virus will mutate into a form transmissible from one person to another or, if it will, how much time we have left to prepare. Now that scientists have reconstituted the 1918 virus, we know it was also a bird flu. A pandemic comparable to 1918 would take a toll in the tens of millions. And not just among the old and frail: The 1918 flu struck healthy young

adults especially hard. The only rational course is to assume that H5N1 will become transmissible from person to person and to ramp up both longer-term scientific work and immediate international measures to slow the spread of the virus. A determined effort, albeit belated, may yet save humanity from an unimaginable catastrophe. **TAP**

— PAUL STARR

*In a flu pandemic,
many of us may
pay the ultimate
price for our
sluggish national
leadership.*



People Problem

I AM A GREAT ADMIRER OF *The American Prospect* (I believe I have read every issue since the first, cover to cover) but cannot understand why you would publish an article [Adam Werbach's "The End of the Population Movement," October 2005] entirely devoted to attacking "population activists" without ever naming a person or organization being attacked, much less quoting or citing one.

Furthermore, in a 31-page section on the environmental crisis, surely you could have found room for one piece on the population problem, which many environmentalists regard as the overarching issue.

Unfortunately, the leaders of the Sierra Club and all other major national environmental organizations are finding it politically expedient to avoid even discussing population. However, several smaller, well-respected organizations, including Population Connection and Negative Population Growth, do see a problem. They are not lacking in humanity or consumed with racism, as Mr. Werbach charges, and they could have provided a credible rebuttal to the anonymous attack.

*Consider that
maybe ... someone
who disagrees
with you does so
on principle.*

— REP. BRIAN BAIRD
WASHINGTON STATE

Mr. Werbach seems to believe that because Paul Ehrlich lost his bet with Julian Simon in 1980, population growth is no problem at all. He casually mentions that world population will grow from 6 billion to 9 billion by 2050 without bothering to discuss how an already overstressed planet will absorb a 50-percent increase. He says nothing about the U.S. population, except to suggest that we settle all our immigrants on homesteads on the Great Plains, where in reality what we have is not empty farmland but empty farm towns.

ARMIN BEHR
Bethesda, MD

Editors' Note: Our Web site, www.prospect.org, carries an exchange between Werbach and John Seager, president of Population Connection.

Bonkers!

IT IS HARD TO KNOW WHERE to begin to respond to your recent article by Robert Kutner and Asheesh Siddique, "The Defectors" [October]. It is fraught with error and epitomizes much of why the left loses elections and has stayed in the minority for more than a decade now.

Both your facts and your

reasoning are deeply flawed. Let me cite your references to my own district as an example. Most glaring is your anachronistic mention of my "predecessor," Don Bonker. In fact, my good friend Congressman Bonker, who even for his time was a very centrist Democrat, has not served in Congress since 1989—more than 15 years ago! Since then, the district has twice changed shape and composition through redistricting. What is more, the district's demographics have changed markedly as traditional unionized industries shut down and extraordinarily rapid growth in Clark County brought a host of new voters with more conservative leanings. Only someone ignorant of not only my district but politics in general could try to imply that a district would not change over the course of 15 years and two redistrictings.

The fact, which you conveniently failed to mention, is that the person who held the 3rd Congressional District seat immediately before me was Linda Smith, one of the most conservative of the entire 1994 Republican class. Smith defeated Jolene Unsoeld, a very liberal Democratic incumbent, in large part because the left abandoned Unsoeld over a single vote on guns. Beyond that historical fact, had you taken even two minutes to look online, you would have learned that in 2004, the 3rd District was carried by Bush for President, Rossi for Governor, and Nethercutt for U.S. Senate—all three very conservative Republicans. I was the only top-tier Democrat to carry the district.

Given these facts, how anyone can claim that this is not a "swing district" is beyond me. My guess is that the unidentified person making these claims spends too much time reading your magazine and not enough time meeting voters outside the comforts of his or her self-imposed, secure political community. If anyone spent time doorbelling with me, I doubt that he or she would come away believing that 3rd District voters are solidly in any ideological camp.

As if the matter of political makeup were not enough to reveal the shortcomings of your article, you are inaccurate in reporting my voting record. The fact is, contrary to your story, on recent votes regarding the estate tax, I voted for reform but against outright repeal. Ironically, the Republicans have used precisely these votes in their attack ads against me.

Furthermore, while criticizing me on these votes, you completely ignore a host of other courageous progressive votes, including those on the Iraq War resolution, basic rights, labor, and choice. If liberals and liberal publications continue to use false information and faulty reasoning to conclude that anyone who disagrees with them on even one or two issues has somehow sold out, the left is destined to lose—and will deserve to do so. It is that pattern of selective vision and narcissistic solipsism that brought us George W. Bush as president, and it is part of why, in 1994, we lost the very seat I now represent.

Try this instead. Begin by getting your facts straight, and then consider that

maybe, just maybe, someone who disagrees with you does so on principle rather than political expediency. Finally, consider that even when political expediency is involved, it is not always something to be condemned but is in some instances part of the difficult choices that need to be made in order to work for the greater good.

I know that may be anathema to your "frustrated activist," who needs no facts to base his or her opinions on and would rather be self-righteous than victorious. Imagine how frustrated he or she would be if my true predecessor, Linda Smith, still occupied my position. Actually, we do not have to imagine that. We have Bush in power today because too many people concluded that there was no real difference between him and Al Gore. Keep up your fine reporting and progressives will keep losing.

REPRESENTATIVE

BRIAN BAIRD

3rd Congressional District
Washington state
Via e-mail

Robert Kuttner responds:

As our article showed, incumbents often turn swing seats into safe seats for themselves. Representative Baird won by a healthy 24 points last time. He did this by hard work and by being an effective congressman. We don't think this margin required casting dubious special-interest votes, and we wonder whether it was truly necessary for him to vote with the right and with business interests on bankruptcy and the gutting of the right of ordinary people to sue, as well as an estate-tax "reform" that would have

eliminated most of the tax. Whether these votes reflect needless expedience or an odd shift of principle is for him to decide.

Correction: Because of a production error, a version of JoAnn Mort's "State of the State" that omitted some fact-checking changes was printed in the October issue of the magazine.

The piece noted that the wall being constructed between Israel and Palestinian territories would be 78-feet high; in fact it will be 25-feet high. The article said that there are 1.2 million Palestinians in the Gaza Strip; in fact there are 1.3 million. In two places the article referenced elections scheduled in Israel for November 2007; it should have said November 2006. The article stated that there are 12,500 new settlers in the West Bank this year; in fact there are 12,800. The article also said that Israel's National Insurance Institute reported this summer that 30 percent of Israelis are living below the poverty line; in fact the institute reported that one in three Israeli children are. The article identified Ofir Pines-Pas as the labor minister of the interior; in fact he is the Labor Party minister of the interior. It also said that Pines-Pas criticized the 2005 government budget when it was the 2006 budget he was opposing.

The corrected version of the article appears on *The American Prospect's* Web site.

Letters to the editors should be sent to letters@prospect.org or mailed to The Editors, The American Prospect, 2000 L St., NW, Suite 717, Washington, D.C. 20036.

ON THE ISSUES

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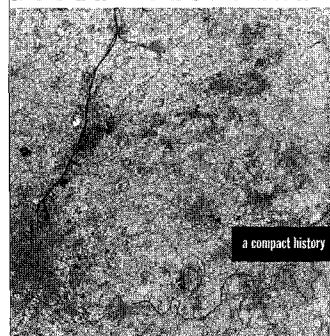
—Senator Richard J. Durbin, Assistant Democratic Leader, United States Senate

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Devil in the Details



AT LEAST HE'S LOYAL

JOE LIEBERMAN MAY NOT have the voting record of a Republican, but he's often irked liberals with his unfortunate habit of playing one on TV. His reputation for disloyalty is unlikely to be undone by his decision to attend an October 8 party celebrating the 50th anniversary of the conservative magazine *National Review* and honoring its founder, William F. Buckley Jr. Lieberman, according to Rush Limbaugh, was seated at the table of honor with Buckley and Limbaugh himself.

In reality, it would have been churlish of Lieberman not to attend: After all, he practically owes Buckley his Senate seat. Running in 1988 against mod-

erate incumbent Republican Lowell Weicker, Lieberman did not hesitate to launch attacks from the right. "You're closer to Fidel Castro than to Ronald Reagan," Lieberman charged during one televised debate, citing Weicker's support for normalizing trade relations with Cuba. Buckley formed a PAC ("Buckleys for Lieberman") that ran anti-Weicker ads, instituted a weekly "Weicker Watch" column in *National Review*, and branded the incumbent "the No. 1 horse's ass in the Senate." When Weicker asked Lieberman how he felt about becoming the beneficiary of Buckley's backing, Lieberman replied, "Buckley and tens of thousands

of others can't stand you for your political grandstanding."

In his initial commentary on the race, Buckley agreed that his goal was primarily the retirement of Weicker rather than the election of Lieberman. But by the time of his October 14, 1988, column, "The Challenger's Plight," Buckley was praising Lieberman's record on defense and fiscal policy as good in themselves, and noted that Lieberman's abortion-rights position was at least to the right of Weicker's. Lieberman's "reputation for being an eat-'em-alive liberal," he wrote, was undeserved.

By 2000, naturally enough, *National Review* had changed its tune on Lieberman. The senator's erstwhile conservatism, wrote Jay Nordlinger in "The Fall of Joe Lieberman," was a fraud. Since then, however, the hatchet seems to have been buried, perhaps over the senator's apologetics for the Iraq War, Abu Ghraib, and all. One way or another, Limbaugh, at least, reports that he and Lieberman had "a nice conversation"—a revelation unlikely to put liberal doubts about Holy Joe to rest.

— MATTHEW YGLESIAS

GROUND-ZERO REDUX

IN A WELCOME SIGN OF post-hurricane recovery, a pod of dolphins has been spotted frolicking in Lake

Pontchartrain. For the terrestrial residents of the New Orleans area, however, coming home after Hurricane Katrina may be a considerably more dangerous business.

Environmental Protection Agency (EPA) tests of water and soil samples from the flooded areas have found elevated levels of benzene, arsenic, and fecal bacteria left behind by the mix of oil, human waste, and industrial pollutants that washed over the city and surrounding parishes. But as with the evacuation of New Orleans, residents are now being tasked with cleaning up the mess very much on their own, with testing from the EPA that's far from comprehensive and with no public provisions for distributing boots, masks, or other protective gear. It all reminds some Washington veterans a little too much of how the last major national crisis was handled.

Just a week after the September 11 attacks, then-EPA Administrator Christine Todd Whitman urged New York City residents back to work in the affected areas, saying, "I am glad to reassure the people of New York and Washington, D.C., that their air is safe to breathe." Two years later, an EPA inspector general's report revealed that White House pressure had been behind such statements, and that the agency had actually lacked adequate data to provide that assurance. A

ERIC PALMA

dozen Manhattan residents are now suing the EPA, alleging that the environmental protectors had, in fact, endangered the health of thousands of New Yorkers.

Four years later, New Orleans Mayor Ray Nagin, concerned by the slow pace at which Big Easy residents were returning, urged them to "come on home" in mid-October, despite a similar lack of adequate data on the safety of all those homes (many of which also have been overrun by mold) and some worrisome test results in flooded areas. That's prompted Congressman Jerrold Nadler (who represents Lower Manhattan) to write President Bush expressing worries about the "eerily reminiscent" message. "I am deeply concerned that many of the same mistakes made by the EPA in response to 9-11 are being repeated on the Gulf Coast," he wrote.

At least *some* mammals are doing all right.

— GARANCE FRANKE-RUTA

THE WOES OF WHITE FOLK

AFRICAN AMERICANS HAVE the NAACP. Latinos have La Raza. But who speaks up for our poor, beleaguered white guys?

William H. Regnery II, that's who. Regnery, a patriarch of the storied conservative publishing family, has

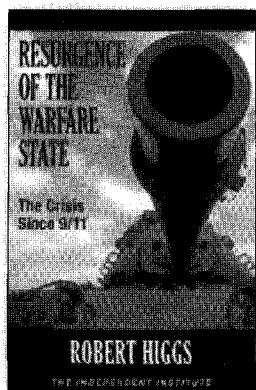
founded a new think tank called the National Policy Institute (NPI) to address the fear that "the white race may go from master of the universe to an anthropological curiosity," as he told an audience in Chicago this summer. The NPI promises to analyze how "government policies and cultural trends adversely affect the very safety, economic standards, and traditional values of America's historic majority."

While it's not clear what would distinguish the resulting proposals from those of your run-of-the-mill right-wing think tank, it's refreshing to see such an open commitment to what's fair for the fair-skinned. The problems besetting Caucasian Americans, after all, are not the fault of what Regnery calls the "anti-white—*Anti-American*—campaign of an intellectual elite" (although that's no small target in the NPI's sights) as much as they are the product of the white *volk's* own tragic flaw: They're too darned nice! Their "proclivities for social parity and gender equality and group altruism," while noble, risk bringing them the "suicide of the West," Regnery warns. Somebody must keep the white folks' better angels from getting the best of them.

For Regnery, the new think tank is only the latest in a lengthening chain of services for Alabaster Americans. Last year *Newsweek* reported that

The United States has **detained** approximately 70,000 people outside U.S. territory since late 2001 ... It's believed that more than 10,000 are still in U.S. custody in **various camps and prisons** in the United States, Cuba, Iraq, and Afghanistan ... In a May 13, 2004, story, *The New York Times* reported that the whereabouts of the high-level al-Qaeda detainees were **so secret** that "one official said he had been told that Mr. Bush had informed the CIA that he did not want to know where they were" ... U.S. agents in Abu Ghraib hid numerous detainees from the Red Cross, according to a leaked report by U.S. Army Major General Antonio Taguba ... These people were referred to as "**ghost detainees**" ... According to General Paul Kern, who oversaw one of the military investigations into U.S. policies and practices of interrogation and detention, there were "**perhaps up to 100**" cases of ghost detainees in U.S. custody in Iraq ... American forces have operated at least 17 detention facilities in **Iraq** and 25 in **Afghanistan** ... According to a report by the New York University Law School and the New York City Bar Association on America's "**extraordinary rendition program**," 150 people are estimated to have been "rendered" in the last four years ... The four **most common destinations** for rendered suspects are Egypt, Morocco, Syria, and Jordan ... Upon arriving in foreign countries, they often disappear ... CIA-chartered or CIA-owned aircraft involved in extraordinary renditions have used **British airports** at least 210 times since September 11 ... Detainees named under President George W. Bush's 2001 Military Order on the Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism can be charged before a "military commission" or **detained indefinitely** without charge or trial ... The Amnesty International report that notes this also comments that "military commissions are executive bodies, not independent or impartial courts ... **there is no right of appeal** against their decisions to any court" ... By the end of 2004, 15 detainees were subject to this *military order* ... At least 128 detainees held at Guantanamo Bay, Cuba, were, by mid-September, on their fifth week of a **hunger strike** ... *The Washington Post* on September 13 reported that, according to their attorneys, the prisoners have stated that they "truly feel they **have nothing left**" and will refuse to eat until either the military gives them a fair hearing or they die.

Enlightened Perspectives . . .



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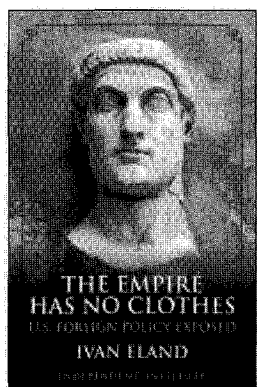
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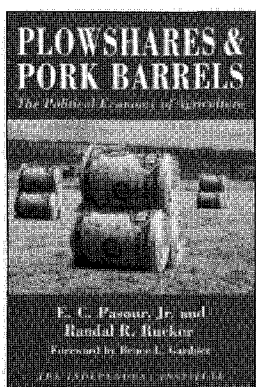
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he was setting up a whites-only dating service, "since the survival of our race depends upon our people marrying, reproducing, and parenting." In 2001, Regnery founded *The Occidental Quarterly*, the leading journal of white separatism. In its debut issue, he reluctantly called for the dissolution of the United States into states "indivisible by reason of race, religion, or mutual interests."

But until that fateful split, Regnery will content himself with the NPR's forthcoming analyses. Among them are a yearly *State of White America* report and "a major work on race relations" due out in January called *Race and the American Prospect*.

Hey, keep us out of it, huh?

— HAROLD MEYERSON

BEAT THE DEVIL

WE'VE BEEN MADE AWARE that there are cronies all over the Food and Drug Administration, that a crony

may land on the Supreme Court, and that a horse-training crony ran the Federal Emergency Management Agency. But by gum, the U.S. Board on Geographic Names has evidently been spared a similar fate.

We know this because in mid-October, the courageous board voted—unanimously!—not to change the name of Mount Diablo, the muscular, 3,849-foot mountain several miles inland from Berkeley, California. The board had been petitioned by Art Mijares, a local man who explained to the *Contra Costa Times* that "words have power, and when you start mentioning words that come from the dark side, evil thrives."

Alas, Mijares was defeated by the godless local reality-based community, which agreed that a name change would be confusing. But all is not lost, Art: Maybe any White House officials who have to leave Washington in Plame-case indictments can stack the board.

— MICHAEL TOMASKY

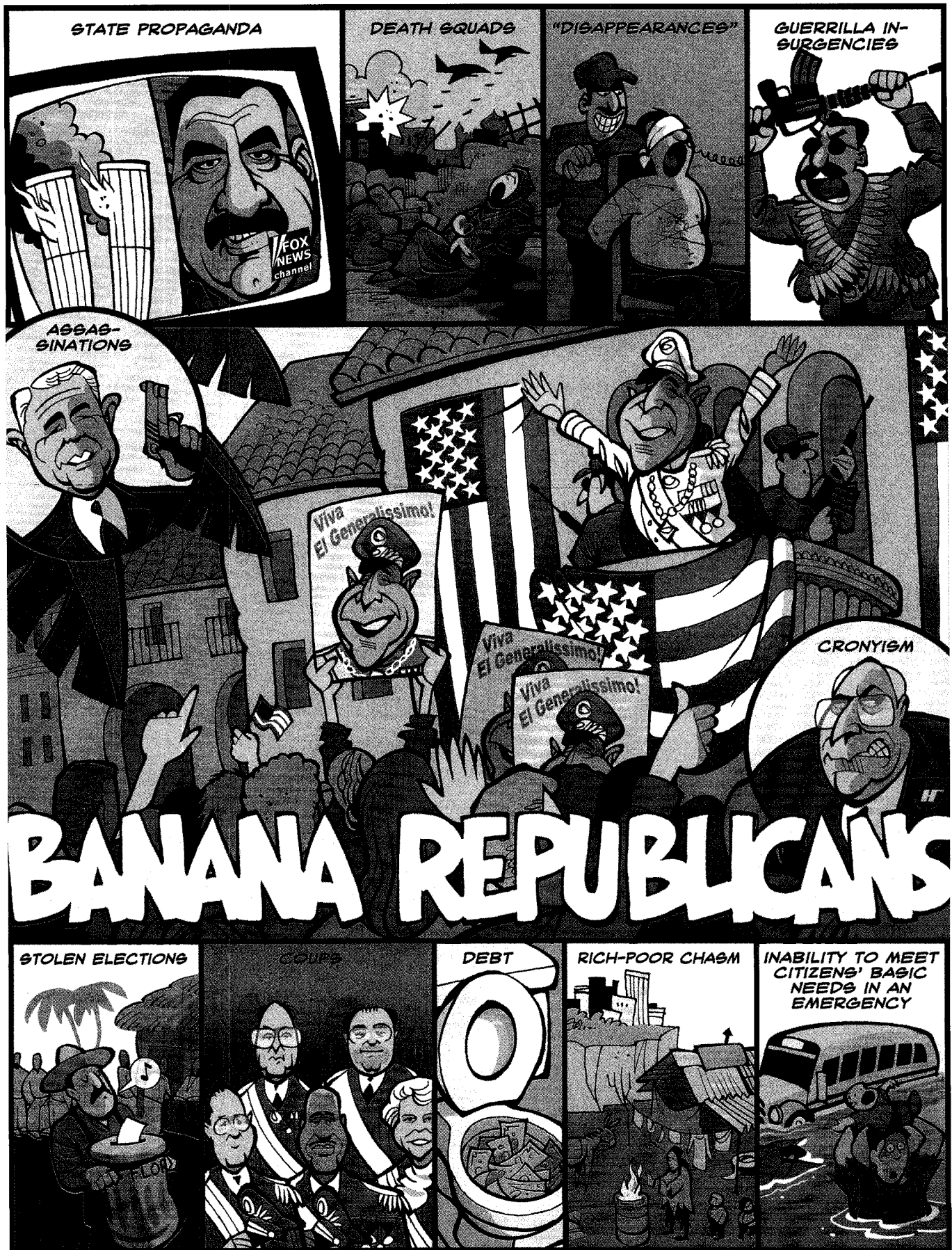
TRANSCRIPT

An exchange between Tim Wildmon, president of the American Family Association and host of American Family Radio's Today's Issues, and his guest, the Reverend Lou Sheldon:

Wildmon: And let me just say one other thing, and we'll go on to our next caller. And I'm not a psychologist, or a psychiatrist, or a social scientist, or anything like that. But I have heard from people who know and understand these things that two of the most difficult sins or bondage to break out of are alcoholism and homosexuality.

Sheldon: Oh, definitely, because the groove is built, and I've talked to many psychotherapists who are Christian, and they say once you enter into that lifestyle—now, you may have gender identity conflict (that's the medical-scientific name for homosexuality)—where you're attracted to the same-sex person, but once you enter into the culture, into the music, into the gay bars, into the gay literature, into the gay theater, and all of that kind of—and gay travel—once you immerse yourself into that, you have really put yourself into a groove that only a sort of an exorcism can release you from.

Wildmon: Wow.



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Dispatches

*"Wimpy," she reads, 'irresolute,'
'chicken,' 'weak-willed,' 'timid,'
'lily-livered'—I like that one—
'without backbone,' 'gutless.'"*

— PAGE 15

A NEW NEW LOW

They couldn't possibly believe that a wrongfully convicted capital defendant should be denied a federal-court review of evidence? Well ...

BY ALAN BERLOW

IF REPUBLICANS ON THE SENATE Judiciary Committee get their way, the United States may soon have a law that could permit state-sanctioned murder.

Sound improbable? Naturally the bill's chief sponsor, John Kyl of Arizona, doesn't say his measure would do that. He's given the bill a genial moniker—the Streamlined Procedures Act—and insists that all he's really trying to do is limit "endless death-penalty delays," put an end to "frivolous" appeals, and let the states get on with the business of executing people. But the fundamental question raised by this radical attack on one of the pillars of our criminal-justice system is this: If someone is charged with capital murder and faces a possible death sentence, and the state progressively deprives him of the means to defend himself, at what point does the judicial process become little more than a legal lynching?

Kyl's bill—and a companion House measure authored by California Republican Dan Lungren—should be seen as the apotheosis of that process. Both would effectively obliterate federal habeas corpus review, making it all but impossible for a defendant to challenge the constitutionality of a state-court conviction in federal court. The bills would prohibit a defendant from going into court with evidence that emerged after state-court proceedings concluded, such as evidence deliberately withheld by police or prosecutors, thereby providing in-

centives for state authorities to violate the law. The bills would also make it more difficult to get post-conviction DNA testing and would bar federal courts from reviewing claims rejected by state courts on procedural grounds. Most impor-



No Laughing Matter: John Kyl's bill is loony.

tantly, these bills would greatly increase the likelihood that innocent people will be imprisoned or put to death. Judiciary Chairman Arlen Specter, the Republican from Pennsylvania, is backing a substitute bill that is almost as bad, an astonishing reversal for a man who helped lead the fight to thwart Kyl's 1995 attempt to drive a stake through the

heart of federal habeas. (Judiciary Committee sources insist that Specter has caved on habeas in exchange for Kyl's support for a measure designed to compensate workers suffering from asbestos-related ailments and put an end to litigation over asbestos claims.)

The underlying premise of the Streamlined Procedures Act is that state courts can invariably be relied on to protect the rights of the accused. Both the Judicial Conference, which speaks for the nation's circuit-court judges, and the Conference of State Chief Justices, whose members should presumably be rejoicing over the demise of any review, disagree. Both have come out in opposition. So have 60 prosecutors and the American Conservative Union, which noted its "profound distrust in the government's ability to 'get it right'" in the arena of criminal justice, warning that when it gets it wrong, innocent people may be wrongly incarcerated or even executed while the guilty go free to wreak further havoc.

The evidence of just how often state trial courts are wrong on the law and the Constitution is overwhelming. Columbia University Law School professor James Liebman analyzed 23 years of screwups in capital murder cases and showed that in nearly seven of every 10 (68 percent), courts found serious, reversible errors. His study, released in 2000, found that state appellate courts threw out nearly half of all convictions (47 percent), while the federal courts went on to detect "serious error" in fully 40 percent of the cases where state courts discerned nothing wrong. In Kyl's home state, the federal courts overturned 60 percent of the cases cleared by Arizona's appellate courts; in Specter's Pennsylvania, they reversed 40 percent.

One dramatic case was that of Nicholas Yarris, whose appeals on a murder, kidnapping, and rape conviction

were barred by Pennsylvania courts because Yarris' lawyer missed a filing deadline. When a federal court concluded that the lower courts were wrong, Yarris was given time to have tests done on highly degraded biological material from the crime that proved his innocence. He was freed after spending 22 years on death row. Had the Streamlined Procedures Act been law, Yarris probably would have been executed.

Yarris' case gets at one of the primary beefs of many conservatives: the claim that executions are being needlessly delayed in federal court. According to Kyl, "many federal habeas corpus cases require 10, 15, or even 20 years to complete." But a recent Judicial Conference analysis

paid no more than \$1,000. In the last seven years, 94 out of 95 Alabama death-row inmates who filed state habeas corpus appeals did so without a lawyer, because the state's notion of a right to counsel doesn't extend to post-conviction claims. In Texas there are hundreds of inmates awaiting execution whose attorneys were given no more than \$500 to investigate their cases.

In a recent address to the American Bar Association, U.S. Supreme Court Justice John Paul Stevens opined that "a significant number of defendants in capital cases have not been provided with fully competent legal representation at trial." Justice Ruth Bader Ginsburg has expressed similar concerns—"People

gators or expert witness, rule it "harmless error" when prosecutors withhold evidence, and refuse to consider mitigating or potentially exculpatory evidence whenever an incompetent trial lawyer violates some procedural rule.

That's the current, unembellished state of play in many jurisdictions; the Streamlined Procedures Act would make it worse. Under the Kyl and Specter bills, the attorney general would be given new authority to ascertain whether states are providing defendants with adequate counsel for the purpose of exempting them from federal review. Given that the attorney general is the nation's chief prosecutor, he might seem an unlikely neutral observer. The current one, however, Alberto Gonzales, demonstrated a shocking indifference to effective-counsel issues when he was rubber-stamping death sentences for then-Texas Governor George W. Bush, and there's nothing to suggest he has become any more enlightened since.

Kyl and Specter insist that their bills include exceptions for innocent defendants. Specter told me that this is a special concern of his. But 22 former judges, including William H. Webster and William S. Sessions, both FBI directors in Republican administrations, wrote the committee that "the language of the exception is so narrow that it will cover virtually no one."

The real horror of these bills is not only that they would make it nearly impossible for many defendants to demonstrate their innocence in federal court but also that no one would ever know they were innocent. With state judges having the final word, the ongoing stream of embarrassing innocence stories in the media would be largely stanching, and no one would be the wiser.

Killing federal review is not just another nail in the coffin for the rights of the accused; it is an endgame. Even if we stipulate that most police officers, prosecutors, and judges are honest, fair-minded, and well-intentioned, these bills are a license to kill for the least diligent and most unscrupulous among their ranks. **TAP**

Alan Berlow writes frequently about criminal-justice issues.

Yarris was freed after spending 22 years on death row. Had the Streamlined Procedures Act been law, he probably would have been executed.

found the median time cases spend in federal district courts is a little more than two years, and concluded that this is not "unreasonable in light of the complexity of capital federal habeas jurisprudence."

What Kyl really objects to is the fact that convicted murderers now spend, on average, about nine years on death row before they're executed. But that time is often crucial to sorting out the true criminals from those wrongly convicted: Of the 121 men and women who have been released from the nation's death rows in recent decades, 53 (44 percent) spent more than 10 years on death row, and 23 spent 15 years or more. Twelve men whose innocence was proved using DNA spent anywhere from 10 to 21 years in prison.

Of course, justice would be more expeditious if defendants were given quality counsel at the time of arrest and trial. But that costs money many states and counties are unwilling to spend. Instead, they choose the alternative: allowing appellate courts to "fix" some mistakes by overturning convictions, while letting an unknown number of innocents remain imprisoned or worse because they had lousy lawyers. In Alabama there are 136 death-row inmates whose lawyers were

who are well represented at trial do not get the death penalty"—as has Justice Sandra Day O'Connor. In 2001, O'Connor said, "The system may be allowing some innocent defendants to be executed" and tepidly suggested that "perhaps it's time to look at minimum standards for appointed counsel in death cases and adequate compensation." Sadly, the Court has embraced an appallingly low standard for competence, which increases the likelihood of wrongful convictions and executions.

Justice Stevens also suggested that innocent people might be convicted because state judges in capital cases must stand for re-election, creating "a subtle bias in favor of death." Clearly judges who must convince voters that they're tough on murderers may be less inclined to challenge a lawyer who hasn't thoroughly investigated a case, hired the necessary experts, raised the most obvious objections to the state's evidence, or adequately cross-examined state witnesses or put up ones of his own. Similarly, elected state appeals-court judges, further conflicted by a desire to hold down taxpayer costs and keep cases moving, may deny the defense funds for investi-

ALL TOGETHER NOW

Challenging a record number of GOP incumbents? Coordinating their message this early? What a little blood in the water will do for a party.

BY GARANCE FRANKE-RUTA

ON ELECTION NIGHT 2002, TV-watching Democrats across America let out a collective groan as then-Democratic National Committee (DNC) Chairman Terry McAuliffe told CNN's Larry King, "I think it's going to be a very good night for the Democrats." At that point in the evening, it was pretty clear that the elections were not breaking the Democrats' way. In an environment with few competitive races, the party would have needed a pickup of seven House seats to regain control of Congress. Democrats lost six House seats and another two in the Senate, flipping them into the minority in that chamber as well. In 2004, they slipped even further behind.

The GOP still holds a solid 29-seat ma-

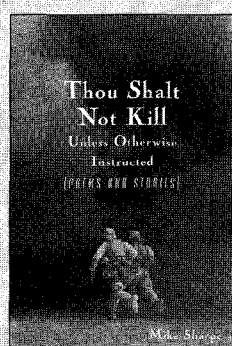
jority in the House and a six-seat advantage in the Senate. But just lately—after the Hurricane Katrina mess and Tom DeLay's indictment—Democrats have begun to think they have the political winds at their backs (as Republicans did in 1994, when they picked up 52 House seats and swept into power). "The key for the party that's got that little breeze at the end is putting enough races in play to win all those toss-ups," political analyst Chuck Todd, who edits the inside-Washington tip sheet *The Hotline*, wrote in October. "It's hard to foresee a neutral 2006 environment."

Just how many of the 435 House seats will be competitive in 2006 is a matter of debate. Charlie Cook, editor of *The Cook*

Political Report, puts the number at only 28, including 11 Democratic seats and 17 Republicans ones. Stuart Rothenberg, political analyst for *Roll Call*, pushes the number to 37, which is also the figure accepted by National Republican Congressional Committee (NRCC) Chairman Tom Reynolds. To win back control of the House, Democrats would have to keep all 11 of their contested seats and win 15 of the Republican ones, for a virtually impossible 96-percent win rate under the Cook scenario (Republicans retook the House in 1994 with a 75-percent win rate). Yet the political environment has also changed so radically over the summer and fall that Cook says he now thinks that there are "literally dozens of Republican-held seats, that, based on presidential voting patterns, credible Democratic candidates in a pro-Democratic year might win."

Enter Congressman Rahm Emanuel, the Chicago Democrat and energetic chairman of the Democratic Congressional Campaign Committee (DCCC). He's planning to make sure the Democrats field candidates in at least 50 races.

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Actually, he told the *Prospect* in mid-October, "My goal is to exceed that."

WITH APPROVAL OF THE REPUBLICAN-led Congress below 30 percent, natural-gas prices up 150 percent (in a country where 60 percent of homes are heated by it), the ongoing war in Iraq, and major scandals and investigations of GOP leaders in the House, Senate, and White House (not to mention the shock of Katrina), Democrats could scarcely have asked for a more favorable political environment. An *NBC/Wall Street Journal* survey found 48 percent of voters would prefer a Democratic Congress to 39 percent who want the Republicans to stay in charge—the largest pro-Democratic gap in the survey's 11-year history.

To capitalize on that growing sentiment, the DCCC is working off a three-pronged recruitment plan. First, Emanuel explains, "Every open seat gets a challenger." With the recruitment season only half over, all the open slots in GOP-leaning districts are filled. Second, Emanuel says, "Every member of the Republican caucus who has an issue that's specific to them gets a challenger." That means that Ohio's Bob Ney and California's Richard Pombo, linked as they are to House scandals involving lobbyist Jack Abramoff and indicted former Majority Leader DeLay, will face well-funded opponents and months of interest-group ads softening them up. Pombo, according to one internal DCCC poll, garnered only a 32-percent re-elect rate.

"Third," Emanuel continues, "every district where John Kerry got 50 percent or more gets a challenger." The districts Kerry won that aren't in Democratic hands are small in number—18, to be exact. A candidate has been found in two-thirds of the seats in this third category, Emanuel says. That means that GOP representatives, such as Florida's Mark Foley, who have never had serious opponents will. Tim Mahoney, a high-tech CEO, has just entered the race against him after months of discussion. Another Florida Republican, Clay Shaw, who has gone four cycles without a notable challenger, will face a state senator who has already raised \$840,000. New Mexico Democratic Attorney General Patricia Madrid will challenge previously un-

opposed GOP incumbent Heather Wilson. Elsewhere, six Democratic Iraq War veterans will take on Republican incumbents. And all three Connecticut Republicans will be targeted, the first time that has ever been done.

Message unity across the notoriously fractious Democratic Party is also a realistic possibility. But unlike the consultant-crafted blandness that dominated the national message in 2002 (prescription drugs, anyone?), the new Democratic agenda, to be unveiled sometime in November, has been in development for months by party leaders in the House and Senate, in governors' mansions, in mayor's offices, at think tanks, and at the Democratic National Committee (DNC). The preliminary version leaders have been outlining calls for making college universal in the 21st century, getting the federal budget under control, achieving energy independence, creating a new national institute for science and technology, and providing health care to all working Americans.

A host of players pitched in: House Minority Leader Nancy Pelosi; Senate Minority Leader Harry Reid; Senators Maria Cantwell, Edward Kennedy, and Max Baucus; DNC Chairman Howard Dean; pollster Cornell Belcher; and staff from the Center for American Progress, along with many others. "It's an unprecedented level of coordination working together on this effort," says DNC communications director Karen Finney.

If, however, you noticed that a certain four-letter word starting with "I" is missing from the issue list, you're right. Given that Democrats lost the last two elections based, in large measure, on national-security issues, coming up with a coherent, unified national-security agenda and stance on America's involvement in Iraq would seem to be job one for Democratic agenda setters.

When asked about this, Emanuel ripped into Bush administration failures there and pointed to Michigan Senator Carl Levin's call for performance benchmarks as a model approach. The Iraq part of the national Democratic message, at press time, was still under construction. This is one issue on which Democratic unanimity will be awfully difficult to achieve.

WILL THIS NEW MESSAGE BE enough, even when combined with the broadened playing field and changed political environment? "I think it's a pipe dream," says Ed Patru, a spokesman for the NRCC. "It's one thing to say you have 50 competitive races; but if you don't have 50 competitive candidates, it's a tough sell to make those races truly competitive." Patru argues that "over the last two to four years, all the really weak incumbents have been sort of culled." The ones left are strong, he says, and the NRCC has a 3-to-1 financial advantage over the Democrats.

On the Senate side, reclaiming the mantle of leadership would require winning six of the seven contested Republican seats. One Democratic bright spot, though, is that the Democratic Senatorial Campaign Committee, under the leadership of master fund-raiser Chuck Schumer, has far outpaced its counterpart, Elizabeth Dole's National Republican Senatorial Committee. Senate recruiting, which is largely already done, has also been highly attuned to the shifting fortunes of the GOP. After first declining to challenge Ohio's Mike DeWine, Sherrod Brown, the populist congressman from Columbus, threw his hat in the ring in October. He'll likely face Iraq War veteran Paul Hackett, who nearly won a special election for Congress earlier this year in a deep-red district. High-profile GOP recruitment failures in West Virginia, North Dakota, and Michigan have also cheered Democratic hearts.

Contesting more than twice as many Republican House seats as in 2002 and '04 will at least make the GOP spend money in places where it hasn't had to lately. And message development is much further along than in recent elections—with the glaring exceptions of Iraq and national security. Those have been Democratic Achilles' heels in the past; think 2002, when George W. Bush and the GOP campaigned solely on terrorism and homeland security. But even that's different now: If the Democrats don't develop a persuasive argument on these issues, it's pretty clear that the Republicans are losing theirs. **TAP**

BEWARE OF WATCHDOG

Meet rabble-rouser Melanie Sloan. The Republicans don't like her. The Democrats are leery of her. She's exactly what this town needs.

BY SAM ROSENFELD

MELANIE SLOAN IS AT A LOSS. "I would never have thought that the Democrats would be so ... I just need more words for 'spineless.' I don't have enough," she says. "She turns around and grabs a thesaurus from her desk. 'Wimpy,'" she reads, "irresolute,' 'chicken,' 'weak-willed,' 'timid,' 'lily-livered'—I like that one—'without backbone,' 'gutless.'" At last she's satisfied. "Gutless" is good."

Sloan, 39, is executive director of Citizens for Responsibility and Ethics in Washington (CREW), a 3-year-old watchdog outfit that Republican congressional flacks commonly describe as a "Democratic front group." With front groups like these, who needs moles?

Democrats say that they will mount a major drive on ethics heading into next year's elections. Given that, you might think that CREW, an unabashedly liberal organization founded as a progressive answer to the notorious Clinton-baiting outfit Judicial Watch, would count among the Democrats' closest allies in that fight. That it isn't says a great deal about the vast amount of work the Democrats still need to do in seeking to replicate Newt Gingrich's famed 1994 ethics-campaign strategy and spark a throw-the-bums-out electoral rout of the majority party next year.

I MET SLOAN AT CREW'S DUPONT CIRCLE office on a Thursday in late September, during "literally our busiest week ever," as she put it. That Monday morning, CREW had released an 89-page report profiling the 13 most ethically challenged House members beyond Tom DeLay. On Monday *afternoon*, Sloan wrote and filed a complaint with the Senate Select Committee on Ethics against Senate Majority Leader Bill Frist, calling on the panel to investigate the insider-trading allegations that had emerged as a major story that

weekend. Then, on Wednesday, the big one hit: DeLay was indicted.

"It's like the perfect storm," Sloan marvels. "There's so much coming together at once it's almost hard to believe it's happening ... I think the confluence of all these stories really might change the political dynamics here. But"—Sloan inevitably hastened to add—"if it does, it



Too Live CREW?: Melanie Sloan

won't be thanks to the Democrats."

The signal event marking CREW's disillusionment with the Democrats was also the organization's breakthrough as a player in Washington: the mammoth ethics complaint against DeLay it drafted last year at the behest of Texas Democrat Chris Bell. Bell, a victim of DeLay's re-districting scheme in Texas, filed the complaint with the House Committee on Standards of Official Conduct (commonly known as the House Ethics Committee) in the summer of 2004 as a parting shot.

In doing so, Bell temporarily broke the unofficial ethics cease-fire maintained by the parties since 1997, which Democratic leaders have, by all appearances, supported throughout the Bush era. Similarly, Bell had no support from the leadership and close to zero public endorsements from

fellow Democrats when he filed his complaint last year. "After I filed it," says Bell, now running for governor in Texas, "it would get back to me that some people thought that I should back off and weren't pleased with my action."

Indeed, even after the complaint led to two Ethics Committee admonishments of DeLay (and prolonged negative press for him), House Democrats seemed eager to reinstate the truce. No complaints have been filed since Bell's. In the past year, CREW shopped around to various members complaints against Congressmen Bob Ney of Ohio and Duke Cunningham of California; nobody has taken them up. Sloan unambiguously asserts that Nancy Pelosi is working to keep it that way. The House minority leader's spokeswoman, Jennifer Crider, responds that "Nancy Pelosi has been very clear that she's not a party to any ethics truce."

The irony is that this watchdog group—more than any other—might have been expected to prove a politically useful ally for the Democrats. If the mainstream goo-goo groups that trace their origins to the late-1960s and early-'70s reform era have an air of fustiness and determined nonpartisanship to them, CREW, the scrappy new kid on the block, is just as clearly a creature of the Clinton wars and the polarized Bush era. "From the beginning, we wanted to be more aggressive than other good-government groups were," explains Sloan. "I have a lot of respect for Public Citizen and Democracy 21 and Common Cause, but they don't do what we do." CREW aims for attention-grabbing rhetoric, and is usually the first outfit to draft ethics complaints, issue Freedom of Information Act requests, pursue lawsuits, or call for investigations when a scandal breaks. "People in Washington always worry about their words, in part because they're always worrying in the back of their mind about their next job," Sloan explains. "I don't do that. I'm known, in fact, for having a bit of a big mouth."

A Delaware native and University of Chicago Law School graduate, Sloan worked as a Democratic Hill aide in the 1990s. She was prosecuting sex crimes at the U.S. Attorney's Office in the District when, in 2002, she was approached by

Washington lawyer Norm Eisen to discuss heading up a new liberal-watchdog and legal-advocacy group.

CREW began as a one-woman shop with a shoestring budget in early 2003, but Sloan's big mouth and flair for publicity quickly made CREW's reputation and garnered it sufficient resources to expand. Last year Sloan hired a deputy director, Naomi Seligman, from Media Matters for America; this year she hired a counsel and two more staffers. The board of directors consists of Louis Mayberg, president of a mutual-fund firm, Donna Edwards of the Arca Foundation, Philadelphia-based attorney and Democratic fund-raiser Dan Berger, and pollster Mark Penn.

WHAT'S BEHIND THE DEMOCRATS' continued reluctance to file ethics complaints? Simple fear of Republican retaliation partly explains it, but there's also a specific political strategy at work, an effort to keep the myriad threads of Republican ethical scandal as untainted as possible by obvious partisan fingerprints. A respect for Congress as an institution—hardly something that plagues

Republicans—also hinders the Democrats' boldness in pressing the attack.

Sloan acknowledges that such institutional concerns, and not merely cowardice and corruption, play some role in Democrats' aversion to filing complaints. "I do think there's a generational aspect," she says. "Democrats of Pelosi's generation think that [starting ethics wars] just is not what they came to Congress to do. There's more of a concern for the institution." When, during a conference call, I asked Senate Minority Leader Harry Reid for a comment on CREW's ethics complaint against Frist, his response was emblematic. "This is somebody I work with every day, and I think we're going to have to just let this one play out," he demurred.

Whether such a cautious strategy will really register during the high-decibel tumult of an election year is a real question. Democrats eager to replay Gingrich's storied '94 sweep would do well to recall just how ugly and fundamentally base the Republican's relentless drumbeat of scandal-mongering and ethics allegations was in the years leading up to that election. Gingrich knew that volume and outré vicious-

ness mattered in such fights—and that the actual filing of ethics complaints, which triggered processes that guaranteed perpetual press coverage, was a baseline requirement of any political strategy on ethics. As Gingrich saw it (contravening the views of the institutionalist minority leader at the time, Bob Michel) an all-out ethics war would indeed spark a generalized collapse in public esteem for Congress—a necessary precondition for the party locked out of power to grasp victory.

There are serious costs to running such a maximalist ethics assault, both in the Democratic casualties of an ethics war and in the tarnishing of certain basic ideals about government and its institutions to which liberals rightly pledge allegiance. But if Democrats finally come to decide that such an effort is worth pursuing, they'll likely find that they have an unofficial ally among the goo-goos. "The thing with Democrats is always this constant inclination to want to be fair, even when the other side isn't playing fair," laments Sloan. "There's a difficulty realizing that sometimes there's a need to act off the other team's playbook." **TAP**

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Setting the Squawkers Straight

BY ROBERT S. MCINTYRE

“WE HERE AT *SQUAWK BOX* HAVE BEEN CAMPAIGN-
ing for politicians to ‘give back their pork’ to
help pay for Hurricanes Katrina and Rita. Our next guest
offers up another possibility. He says we should consider
following the path of President Lyndon Johnson. In 1968,

LBJ enacted a one-year, 10-percent income-tax surcharge to help pay for the cost of Vietnam, a *colossal* example of bad timing. Joining us now live from Washington, Robert McIntyre, director of Citizens for Tax Justice. Robert, good morning. Uh, you know you’re not going to get a lot of people to say, ‘Yeah, I want more taxes.’”

Uh-oh, I thought, as I stared at the TV camera in CNBC’s studio in early October and listened to the unseen hosts of *Squawk Box* speak to me from New York. This feels like a setup.

For one thing, I hadn’t proposed a temporary income-tax surcharge. On the contrary, I think that we need permanent tax increases, mostly on undertaxed rich people and tax-avoiding corporations—although I suppose a surtax would be better than nothing. That’s exactly what I’d told CNBC’s producer when she’d called me a few days before the show and brought up *someone else’s* proposal for a hurricane-related, LBJ-style surtax. She had invited me to come on *Squawk Box* not to defend that idea but to discuss it.

For another thing, why was LBJ’s surtax (which actually lasted for two years, not one) “a colossal example of bad timing”? After all, it was enacted to cool off a seriously overheated economy, and succeeded both at that and in producing the last balanced federal budget until the late 1990s.

But mostly, I thought, gee, I hadn’t

realized that CNBC’s talk shows had turned as far to the right as the rest of cable talk.

With no time for further meditation, I figured I might as well make the best of a weird situation. So I went into my rap.

“Well, you know,” I said, “the choice is you either pay for this or you send the bill to our children.”

Squawk Box’s retort was swift and cruel.

“Slam dunk!” the show’s hosts thundered. “Send the bill to the kids!”

I soldiered on. “Ah! Well, that may be your view, but mine is that we should ask the people who can afford to pay for it to chip in ... A perfect plan might be closing the loopholes that allow some of our big companies to pay no taxes, going after the tax cheats and things like that.

But if you can’t get that through the Congress, then a 10-percent income-tax surcharge says, ‘Look, if you’re paying \$50 in income tax, you’ll have to pay \$5. If you’re paying \$1,000, you’ll pay \$100. And if you’re paying \$100,000 in income tax, which means you’re very wealthy, you’ll pay

\$10,000.’ Now what’s wrong with that?”

Squawk Box tried another tack: Maybe *cutting* taxes would be the way to pay for hurricane relief.

“Mr. McIntyre,” the hosts said, “it’s hard to ... say that if the government raises taxes, it’ll be spent properly. Why are you opposed to creating economic free zones, like some people have proposed, where people pay no taxes ... as opposed to slapping on this tax?”

I pointed out the obvious flaw in this approach.

“Well,” I said, “those reduce the government’s revenues, add to the budget deficit, and make the bills for our children even bigger. You know, we’ve been trying this trickle-down, supply-side thing under President Bush for five years, and what we’ve got are deficits, counting what we owe Social Security, in excess of \$500 billion every year. And we can’t keep doing that ... Unless you think we can run the government entirely with Chinese money forever.”

But, countered *Squawk Box*, maybe deficits simply aren’t anything to worry about.

“I would just remember that the deficits were much worse as a percentage of [the gross domestic product] in the ‘80s,” the hosts said, “and eventually we had a balanced budget. Right?”

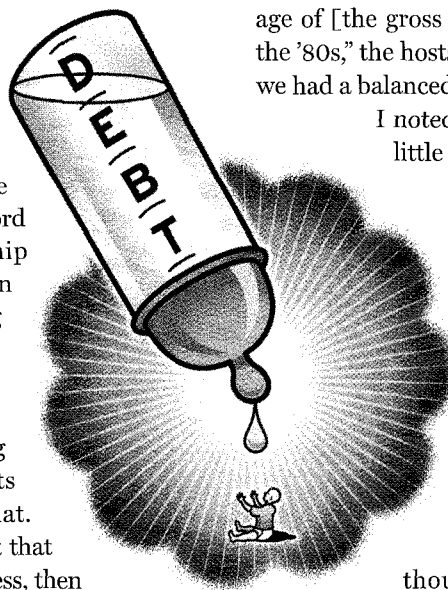
I noted that they’d left out a little history.

“We had a balanced budget,” I noted, “because Bill Clinton and the Congress cut spending and raised taxes.”

And then—to my total surprise—*Squawk Box* replied, “Right. Why couldn’t we do that again?”

Oh, my goodness, I thought. Have I actually convinced these guys that two plus two equals four? I savored the moment, however fleeting. **TAP**

Robert S. McIntyre is the director of Citizens for Tax Justice.



The Yes-Man

President Bush sent Porter Goss to the CIA to keep the agency in line. What he's really doing is wrecking it.

BY ROBERT DREYFUSS

EXACTLY AS INTENDED, PORTER GOSS HAS HIT THE Central Intelligence Agency like a wrecking ball. The former Florida congressman, who had an undistinguished career as a CIA operations officer in the 1960s, came to the agency in September 2004 after serving seven years as chairman of the House Permanent Select Committee on Intelligence. With his staff in tow—a collection of Capitol Hill aides nicknamed “the Gosslings”—Goss bowled into the CIA’s Langley, Virginia, headquarters, scattering senior officials like so many duckpins. In mid-September, Robert Richer, the newly installed deputy director of operations and a former Near East Division chief, quit in disgust. The newspapers duly reported Richer’s departure. But he is only the tip of a Titanic-sized iceberg.

Since Goss took over, between 30 and 90 senior CIA officials have made their exit, according to various sources, some fleeing into retirement, others taking refuge as consultants. Others, unable to retire, have stayed, but only to mark time at the agency. Morale, already low after several years during which the CIA was accused of a series of intelligence failures related to September 11 and Iraq’s nonexistent weapons of mass destruction, is now at rock-bottom. The agency’s vaunted Near East Division, in particular, which served as the “pointy end of the spear,” as one CIA veteran put it, in simultaneous wars in Afghanistan, Iraq, and the “global war on terror,” has been decimated.

And the agency has been locked down tight: After a decade during which the CIA prided itself on a new openness, shedding some of its legendary obsession with secrecy, neither Goss nor anyone else in the organization is giving interviews or bothering to explain the CIA’s workings.

Appointed to lead the agency in the midst of a heated presidential campaign, Goss’ primary mission, according to numerous former CIA officials—including some only recently departed—was to yank Langley onto President Bush’s political team. His immediate goal in 2004 was to block what had been, until then, a stream of damaging leaks of information about CIA intelligence reports that ran contrary to the White House’s rosy optimism about Iraq and U.S. anti-terrorism efforts. More broadly, the Goss team clamped down on dissenting views and radically politicized the CIA’s lead-

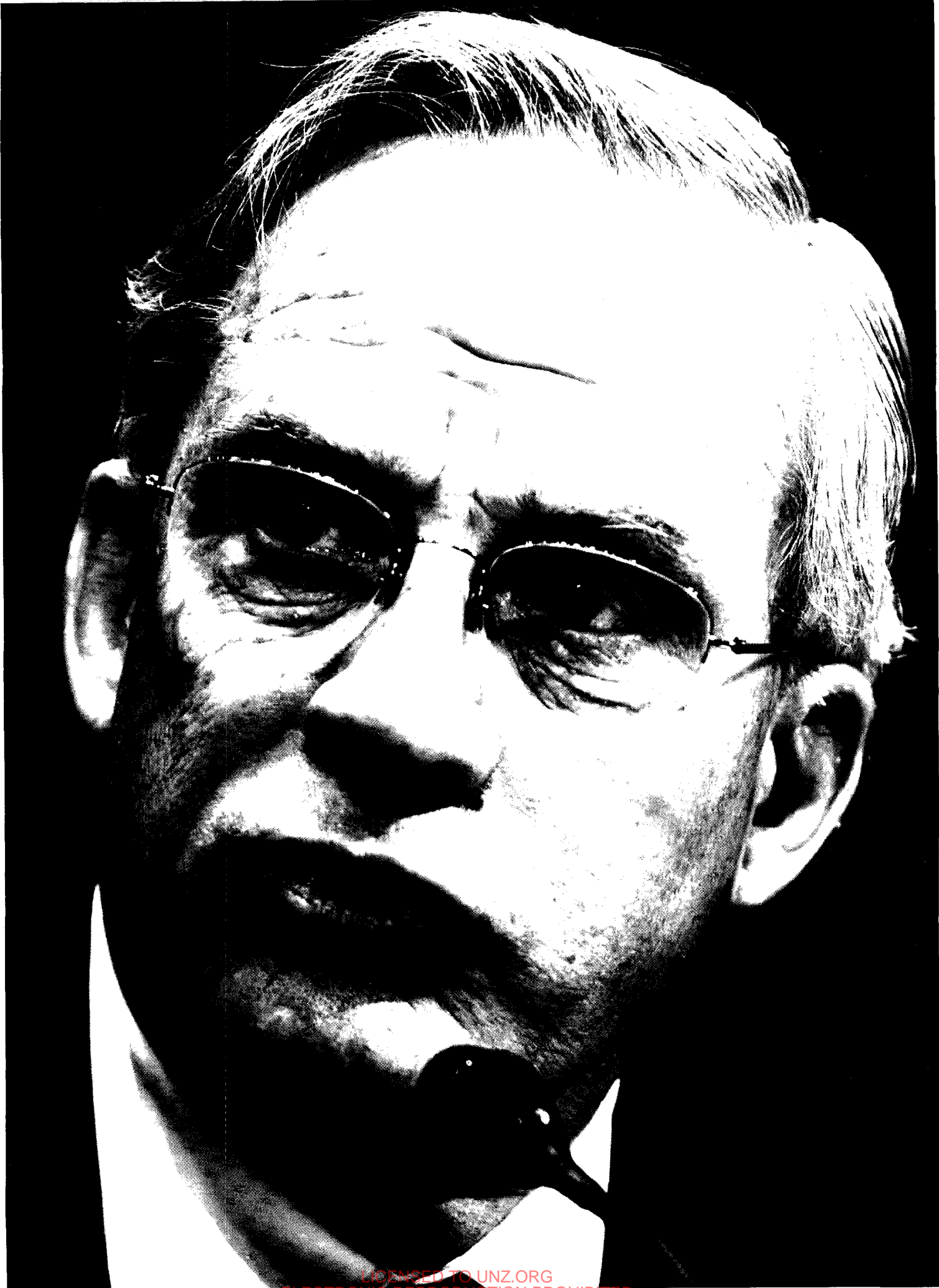
ership. Even worse, say former agency officials, Goss has acquiesced in the dismantling of the CIA itself, which has bowed too easily to the supremacy of the new director of national intelligence, John Negroponte, the former U.S. ambassador to Iraq, who spent his days in Baghdad contradicting the CIA’s clear-eyed battle reports.

For liberals and leftists accustomed to viewing the CIA as a rogue agency prone to unaccountable covert actions abroad, it is ironic that since 9-11, the CIA has emerged as a bastion of opposition to George W. Bush’s imperial foreign policy. Further, since 9-11, the CIA has established itself as perhaps the primary U.S. system of defense against Osama bin Laden’s al-Qaeda and its offshoots and co-thinkers in the Muslim world. That reality makes Goss’ wrecking-ball approach to the agency both irresponsible and dangerous.

This article, based on more than two-dozen interviews with former intelligence officials from the CIA, the Pentagon, and the State Department, along with ex-Capitol Hill intelligence staffers who worked with Goss, is the first comprehensive account of the CIA’s transition from George Tenet through John McLaughlin, the agency’s respected acting director in mid-2004, to Goss. It reveals that Goss may have put the final nail in the coffin of an agency whose expertise and analytical skills were cavalierly overridden by a White House obsessed with Saddam Hussein. From 2001 on, its covert operatives and analysts were ignored, pressured, and forced to toe the administration’s line; neoconservative ideologues considered those operatives to be virtually part of the enemy camp. Many of those who remain inside the CIA are distraught, convinced that their work is wasted on an administration that doesn’t want to hear the truth. “How do you think they feel?” asked one recently retired CIA officer with three decades of experience. “They’re watching a fucking idiotic policy, run by idiots, unfold right before their eyes!”

FROM 9-11 THROUGH THE START OF THE IRAQ WAR IN March 2003, the neoconservative nexus in the administration, led by Vice President Dick Cheney, leaned heavily on the CIA to come up with intelligence to support the White House’s preordained determination to go to war against Iraq. The

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pressure directed at Tenet, McLaughlin, and scores of other CIA managers, analysts, and field officers was intense. Subsequent official investigations, by the Senate Select Committee on Intelligence and by the commission co-chaired by Lawrence Silber- man and Charles Robb, blithely passed over the question of whether intelligence analysts were pressured by the administra- tion. Both studies determined that analysts were not pressured, a conclusion that CIA and other U.S. intelligence professionals find laughable—especially the idea that analysts would answer in the affirmative when asked by commissioners or senators if they had been pressured. “The senior guys got together and said, ‘You guys weren’t pressured, right? *Right?*’” says W. Patrick Lang, a former chief of the Defense Intelligence Agency’s Middle East section.

In fact, analysts were pressured, and heavily so, according to Richard Kerr. A 32-year CIA veteran, Kerr led an internal inves- tigation of the agency’s failure to correctly analyze Iraqi weapons- of-mass-destruction capabilities, preparing a series of four reports that have not been released publicly. Kerr joined the CIA in 1960, serving in a series of senior analytic posts, including di- rector of East Asian analysis, the unit that prepared the presi- dent’s daily intelligence brief, and finally as chief of the

commissions, and the office of the secretary of defense. Unlike the outside reports that looked at the same issues, however, Kerr’s concluded that CIA analysts felt squeezed—and hard—by the ad- ministration. “Everybody felt pressure,” Kerr told me. “A lot of an- alysts believed that they were being pressured to come to certain conclusions ... I talked to a lot of people who said, ‘There was a lot of repetitive questioning. We were being asked to justify what we were saying again and again.’ There were certainly people who felt they were being pushed beyond the evidence they had.”

In particular, Defense Secretary Donald Rumsfeld and other administration officials hammered at the CIA to go back time and time again to look at intelligence that had already been sifted and resifted. “It was a continuing drumbeat: ‘How do you know this? How do you know that? What about this or that report in the newspaper?’” says Kerr. Many of those questions, which began to cascade onto the CIA in 2001, were generated by the Office of Special Plans and by discredited fabricators such as Ahmad Cha- labi of the Iraqi National Congress and a secret source code- named “Curveball.” As a result, says Kerr, the CIA reached back to old data, relied on several sources of questionable veracity, and made assumptions about current data that were unwarranted. In

particular, intelligence on Iraq’s biological and chemical weapons program, much of which was based on data collected in the 1980s, early ’90s, and more spottily until the end of the United Nations inspection regime in 1998, was parsed—and, some would argue, cherry-picked—in order to re- inforce the administration’s case.

On and off the record, other former CIA

officials say that despite the pressure, dissent against the White House was rife within the agency. The strongest opposition cen- tered in the CIA’s Near East Division, few of whose officials sup- ported the idea of war with Iraq. They clashed often with WINPAC, the CIA division focused on weapons proliferation and the part of the agency most responsible for the heavily skewed conclusions about Iraqi weapons of mass destruction. “The Near East Divi- sion people didn’t buy into what the Bush administration wanted to do in regard to Iraq, but much of WINPAC did,” says Larry Johnson, a former CIA officer who left the agency in 1989 and then served four years as deputy director of the State Department’s office of counterterrorism. “Bush, and the White House, favored WINPAC over [the Near East Division]. There were people in the agency who tried to speak out or disagree ... who got fired, got transferred, got outed, or criticized. Others decided to play ball.”

Michael Scheuer—who gained fame in 2004 as Anonymous, the author of *Imperial Hubris*, and who exited the CIA as Goss came in—headed the CIA’s Osama bin Laden unit and saw the confrontation up close. “I know a lot of people in the Iraq shop who were dissenting,” he says. “There were people who were dis- ciplined or taken off accounts.” Opposition flared, particularly when the controversial 2002 National Intelligence Estimate was being cooked. “There was a great deal of dissent about that [es- timate],” says Scheuer. “No one thought it was conclusive. One gentleman that I talked to, a senior Iraq analyst, regrets to this day that he did not go public.”

Says retired agent Richard Kerr: “Everybody felt pressure A lot of analysts believed that they were being pressured to come to certain conclusions.”

Directorate of Intelligence. For several months in 1991, Kerr was the acting CIA director; he retired in 1992. A highly re- spected analyst, Kerr received four Distinguished Intelligence Medals; in 1992, President George Bush Senior gave him the Cit- izen’s Medal for his work during Operation Desert Storm.

Two years ago, Kerr was summoned out of retirement to lead a four-member task force to conduct the investigation of the weapons-of-mass-destruction fiasco. His team, which included a former Near East Division chief, a former CIA deputy inspec- tor general, and a former CIA chief Soviet analyst, spent months sorting through everything that the CIA produced on Iraqi weapons of mass destruction prior to the invasion, as well as in- terviewing virtually everyone at the agency who had anything to do with producing the faulty intelligence estimates. The Kerr team’s first report was an overview of what the CIA said about Iraqi weapons of mass destruction before the war compared with what Kerr calls the postwar “ground truth.” The second looked specifically at a classified version of the important Octo- ber 2002 National Intelligence Estimate, which the administra- tion used to build its case for war. The third looked at the overall intelligence process, and the fourth was a think piece that con- sidered how to reorganize the management of intelligence analy- sis “if you could start all over again.”

Kerr’s four reports, with a fifth now under way, were viewed as the definitive works of self-criticism inside the agency and were shared with the oversight committees in Congress, outside

According to another former CIA official, as the war loomed, the CIA's Iraq task force ballooned in size, from fewer than 10 analysts to 500. But some of the CIA's best and brightest on Iraq asked to be given other assignments rather than play ball with an administration already set on war. "A lot of people from the Iraq shop asked to be transferred away from Iraq," the former officer said. "You had all these people being transferred in, and the people who didn't like the direction it was going transferred out."

DESPITE THE VISE-LIKE SQUEEZE ON THE CIA BY CHENEY and the Defense Department, the agency still got a lot on Iraq right. Not once in the period up to the invasion of Iraq in 2003 did the U.S. intelligence community determine that Hussein posed a threat to the United States. The CIA concluded convincingly that there was no connection between Iraq and al-Qaeda, and that Hussein had no connection to bin Laden's attacks. "We, at CIA, were convinced within days—within hours, by midday on September 11—that we had evidence that it was al-Qaeda and had no reason to suspect that Iraq was involved," says a former high-level official. "That was our position, and we held to it firmly." According to Scheuer, after the CIA received repeated inquiries about Iraq-al-Qaeda links from Undersecretary of Defense Douglas Feith's office, the agency reviewed more than 70,000 documents and pieces of data, concluding that there was no tie between Hussein and al-Qaeda.

The CIA also correctly concluded that Iraq was not even close to developing nuclear weapons. And, long before the war, the CIA told the White House that if the United States invaded Iraq and carried out a prolonged occupation, it would spark an insurgency like the one now tearing Iraq apart. "We did predict this in papers that we wrote," says a former CIA official.

Paul Pillar was one of many inside the CIA who accurately foresaw the insurgency, according to Scheuer. A longtime CIA officer who served in battle-scarred venues such as Sri Lanka, Algeria, and Kashmir until becoming the national intelligence officer for the Middle East, Pillar "knows insurgencies inside out," says Scheuer admiringly. "It's no surprise that Pillar would understand that there would be an insurgency in Iraq."

By 2004, the CIA had issued a steady stream of finished intelligence products that, one after another, undermined the premises of the Bush administration's basic assertions about the occupation. The team that put these together included McLaughlin, the bloodied Near East Division analysts, the Defense Intelligence Agency, and the State Department's Bureau of Intelligence and Research. Not only did the CIA's work shoot holes in White House policy; several of its conclusions were leaked, finding their way on to the front pages of the major newspapers. More than anything else, it was these leaks that enraged Bush and Cheney and caused them to turn to Porter Goss as their enforcer.

The fact that the agency was leaking isn't denied by some. "Of course they were leaking," says Pat Lang. "They told me about it at the time. They thought it was funny. They'd say things like, 'This last thing that came out, surely people will pay attention to that. They won't re-elect this man.'"

The dissent within the agency, and the anger about being manipulated, were palpable by 2004. Equally palpable were the

complaints about the agency emanating from the neoconservatives and other war supporters. In *The New York Times*, David Brooks was bloodthirsty. "If we lived in a primitive age," he wrote, "the ground at Langley would be laid waste and salted, and there would be heads on spikes." And Robert Novak, the principal conduit for the White House leak campaign against Plame and Wilson, concocted an indictment against Pillar for supposedly having leaked a CIA report that contradicted the most cherished assumptions of the administration about Iraq. The incident with Pillar, wrote Novak, "leads to the unavoidable conclusion that the president of the United States and the Central Intelligence Agency are at war with each other." It made for a situation that Bush, facing re-election, wanted desperately to change. Brooks was about to get his wish.

PORTER JOHNSTON GOSS IS A WELL-BRED CONNECTICUT Yankee whose genteel family sent him to The Hotchkiss School and then to Yale University (class of 1960). The CIA that Goss joined in 1962 was still the Old Boys' club, an insiders' preserve for Ivy League grads and others of the "best and the brightest." Goss married Mariel Robinson, daughter of a rich Pittsburgh industrial family—"she's an heiress," says a former CIA colleague—and amassed even greater wealth. In 1999, Goss listed his net worth as more than \$20 million.

Over the years, Goss has refused to say much about his career as a clandestine-services officer in the CIA, but several colleagues say that it was an undistinguished one, mostly in headquarters. "He was a nothing as a [Directorate of Operations] guy," says one. "He served mostly a few [temporary duty] postings in Europe." Goss apparently also served for a time in Mexico and the Caribbean, and likes to say things like, "I had some very interesting moments in the Florida Straits."

In any case, by 1971, stricken with a life-threatening staph infection, Goss quit the agency and moved to sunny Florida. For a time, he co-owned a chintzy newspaper, the *Island Reporter*, which he later sold for what he called an "obscene" amount. He drifted into local politics, and in 1988 was elected to Congress from Florida's 14th District. Ensclosed in the 14th, the state's most Republican district, Goss frequently ran unopposed or won re-election by huge margins, with virtually all of his campaign contributions coming from business. Not surprisingly, he adopted the right-wing agenda.

It wasn't long before Goss was trading on his hush-hush CIA background. His first official brush with intelligence was to serve as a Republican member of the special task force assembled to investigate the 1980 "October Surprise" allegations claiming that Bush Senior and William Casey, the late CIA director, had struck a secret deal with Iran's ayatollahs in advance of the November 1980 election to prevent the release of U.S. hostages held in Tehran. It was no surprise that Goss, acting to protect then-Vice President Bush, found no truth to the story. In 1994 he served on one of those what's-wrong-with-intelligence commissions that turn up every few years.

By 1996, Goss, having established an alliance with Newt Gingrich, got himself named to the House Permanent Select Committee on Intelligence (HPSCI). Gingrich's support for Goss was

critical to the Florida congressman's success, because Gingrich—far more than any other speaker of the House in recent times—maintained an extraordinary interest in intelligence issues and, unusually, served as an ex-officio member of the HPSCI. Goss cemented his tie to Gingrich by chairing the subcommittee tasked with investigating ethics charges against the speaker. Within days of being mostly cleared, Gingrich selected Goss as chairman of the HPSCI, the post he would hold until being nominated to run the CIA in 2004.

Another key bond was formed in this period: Gardiner Peckham, Gingrich's right-hand man on intelligence issues, would eventually become a close friend of Patrick Murray, who off and on served as an HPSCI staffer under Goss. To many who worked with him on the Hill, Goss was seen as a prisoner of his staff—above all, of Murray. During one confrontation over a controversial piece of legislation, when other members challenged Goss, he deferred to Murray. “Goss looked sad and apologetic, and he looked at us and said, ‘Pat runs the show,’” according to a source. “We all wondered, ‘What does Pat Murray have on Porter Goss?’”

During his years as HPSCI chairman, Goss established himself as a friend of the CIA, preferring partnership to oversight. When Bush took over in 2001, it was Cheney who persuaded Goss not to retire from Congress, as he had pledged to do, and for a

time Goss was viewed as a replacement for Tenet in the Bush administration. However, Tenet obsequiously cultivated the Bush family, going so far as to name the CIA's Langley headquarters after George Bush Senior, and Tenet was asked to stay on. But Goss retained the support of Cheney. In May 2001, speaking about intelligence, Goss praised Cheney to *The New Yorker*. “You need to take risks,” he said. “We need leadership. Cheney is certainly the man who can provide it. He understands risk. He understands bold leadership. He understands purpose.”

Meanwhile, Murray, according to former HPSCI staff, stayed even closer to Cheney's White House office and the network of neoconservatives who'd taken up key posts in the Bush administration. “There was a sense that [Murray], even more than Porter, was close to the folks at the White House,” says a former HPSCI staffer. “And that [Murray] was making everything happen, with lots of meetings at the White House, with Cheney's office, and House leadership.”

And in 2004, with tempers flaring between the White House and the agency, Goss, despite his longtime advocacy for the CIA, turned on a dime and issued a report that blasted it for having lost its way. Seemingly overnight, Goss decided that the CIA was a “stilted bureaucracy incapable of even the slightest bit of success.” The CIA, said Goss, is mismanaged, has a “political aversion to risk,” and “continues down the road leading over a

THE REPORT THEY FORGOT

In February 2004, the Senate Select Intelligence Committee (SSCI) announced that it had unanimously agreed to expand its investigation of prewar Iraq intelligence from focus on CIA blunders and into the more controversial area of “whether intelligence was exaggerated or misused” by U.S. government officials. The committee's ranking Democrat, Jay Rockefeller, struck the agreement with Chairman Pat Roberts—provided, Roberts insisted, that the probe into policy-makers' activities wait until after the presidential election.

It's now more than a year later, and Rockefeller is still waiting—the Phase II report has yet to appear. What happened? And why isn't Rockefeller making more of a fuss?

Republican committee staffers don't deny that Roberts lacks enthusiasm for Phase II. But they insist that he hasn't acted to kill the investigation, and that the last interviews needed to complete it are being wrapped up. Ultimately, they say, it will be up to the committee's members to vote on whether or not to release a report.

“The investigation is ongoing,” one committee staffer says. “It is sort of in the ending stage. Every once in awhile, a little campaign gets going that it's being buried or covered

up. That doesn't reflect reality. [Roberts] is not ambiguous. He thinks it's a monumental waste of our time, but we're doing it.”

Democratic staffers confirm that after a long stall, the investigation is again limping forward. “I'm cautiously optimistic that we're actually—finally—going to wrap it up,” Wendy Morigi, spokeswoman for Rockefeller, e-mailed the *Prospect*. “Frankly, I think they've felt significant public pressure to finish it ... Now the trick is going to be to make sure that we have a public report that is an honest, fair, and accurate picture of what happened. And that is where we're likely to find another struggle.”

Through all the delays, Rockefeller hasn't exactly been Mr. Aggressive. There are several reasons why. The most obvious is simple math: The Republicans have more votes on the committee than the Democrats. “In fairness, if you follow the committee rules and procedures, which [Rockefeller] is trying to do, he has been slam-dunked by the Republicans,” one source says. “And they have the votes.”

A second problem for Rockefeller: An internal staff memo urging him to call for an independent investigation of the adminis-

tration's use of Iraq intelligence was leaked to Fox News' Sean Hannity in November 2003. The resulting mini-furor that erupted in the right-wing media has contributed to Rockefeller's reluctance to act.

But the main reason he has been inhibited is that previous public comments he made apparently caused the Pentagon to abruptly stop cooperating with the investigation. At the July 2004 press conference occasioned by the release of the Phase I report, Rockefeller asserted that certain activities of members of the office of then-Undersecretary of Defense Douglas Feith, including a secret Rome meeting with the Iranian arms dealer Manucher Ghorbanifar, might have been “unlawful.” At that point, Feith's office simply stopped cooperating with the investigation, and Roberts hasn't compelled Feith or his staff to comply. “[The Defense Department] got very skittish about volunteering as they had been up to that point,” an SSCI staffer told the *Prospect*. “They got all lawyered up. Roberts' position, and [the Defense Department's], has been either ‘show us what you're talking about’ or ‘withdraw the statement and we'll continue our cooperation with you.’ Rockefeller

proverbial cliff." For many at the agency, it was a sign that Goss was auditioning for the job of intelligence reformer, but his newfound zeal for reform bemused CIA partisans. "He served on the HPSCI for eight years," says Ray McGovern, a former CIA analyst and founder of Veteran Intelligence Professionals for Sanity. "What the fuck was he doing for the last seven years?"

But if Goss lambasted the CIA, he never wavered in his fealty to the Bush-Cheney team. When David Kay, the CIA's point man on searching for Iraqi weapons of mass destruction, said that the weapons weren't there, Goss told a packed news conference, "Those weapons are there." He defended Bush-Cheney right down the line on Iraq policy, blocking efforts in the House or at the HPSCI to investigate prewar intelligence about the weapons. He blocked an inquiry about Abu Ghraib, too. And when it became apparent that White House officials had leaked Plame's name, Goss ridiculed the idea of investigating what was, according to nearly all intelligence officials, a significant breach of national security. "Somebody sends me a blue dress and some DNA, I'll have an investigation," sniffed Goss.

His nomination didn't exactly win plaudits, and four Democrats on the Senate Select Committee on Intelligence—including the ranking Democrat, Jay Rockefeller—voted against it. But in the end, the Democrats rolled over, choosing not to make a fight on the eve of the elections. On September 24, he took over.

WITHIN WEEKS OF GOSS' ARRIVAL, IT WAS CLEAR THAT the agency had been plunged into turmoil. One after another, top CIA officials bolted: first McLaughlin; then Stephen Kappes and Michael Sulick, the top two officials in the Directorate of Operations; Jami Miscik, who headed the Directorate of Intelligence, and her deputy, Scott White; Buzzy Krongard, the CIA's executive director; Mary Margaret Graham, a senior counterterrorism official; the heads of the European and East Asia divisions; and many more. Pillar, the Middle East national intelligence officer, took retirement. Many others, less prominent, also quit, were fired, or took jobs as consultants. Rockefeller, watching from the sidelines, said Goss "faces rumors of a partisan purge at the CIA."

Leading the purge were Murray, who followed Goss to Langley, and perhaps half a dozen other HPSCI staffers who joined them, including Merrell Moorhead and Jay Jakub. Nearly all of them had poor reputations at the HPSCI. California Democratic Representative Jane Harman, hardly a critic of the CIA, said Goss has assembled a "highly partisan, inexperienced staff," noting that "[f]rankly, on both sides of the aisle in the committee, we were happy to see them go." And the CIA, where they were referred to as the "Hitler youth," was not exactly happy to see them arrive.

Many of these departures made headlines, none more so than the confrontation between Murray and Mary Margaret Graham,

wouldn't do either."

But committee staff sources say that before the cooperation ceased, the committee had received from Feith's office internal memos suggesting that the office may indeed have been conducting unlawful activities. In particular, Democratic staffers are interested in a secret December 2001 meeting of two Feith deputies, Larry Franklin and Harold Rhode, with Ghorbanifar in Rome. The meeting also included members of a foreign intelligence service (Italy's SISMI). The catch is that it wasn't reported in advance to the intelligence committee or the CIA, in possible violation of Section 502 of the National Security Act, which says that anyone conducting intelligence activities must inform the committee and the agency.

Among the documents in the committee's possession, the *Prospect* has learned, is a cable the CIA station chief in Rome sent to Langley expressing concern that members of Feith's office were involved in an unauthorized covert action. The committee also has Franklin's Rome report, which, according to sources, revealed that the meeting included the discussion of possibilities for engaging a network of Ghorbanifar associates to pursue action



Profiles in Courage?: Rockefeller (left) and Roberts

against Tehran. (Franklin pled guilty in October to charges stemming from a separate FBI investigation. Feith left the Pentagon for the private sector over the summer.)

"[Rockefeller] made an offhand comment at a press conference, which was totally accurate," a source close to the investigation told the *Prospect*. "Some of these guys may have crossed the lines into illegalities. Can you imagine if during Iran-Contra the executive branch had said, 'We're not going to provide you any more information because one

of your members suggested that one of our members may have acted illegally'? In those days, neither Republicans nor Democrats would have stood for that for one minute."

But that was then. Today, committee Republicans view their mission as being not oversight but cover-up. Indeed, one source told the *Prospect* that Roberts has worked closely behind the scenes with vice president Cheney's office in crafting the language defining and limiting the investigation's terms. Yet the committee's leading Democrat, Rockefeller, hobbled by criticism from within the committee—and according to one account, "a wimp ... not confident of his own judgments"—has felt constrained from pushing the majority more aggressively to comply with its promise.

Accountability may yet arrive. With press-time reports that special prosecutor Patrick Fitzgerald was homing in on a group of top White House aides for playing a role in outing CIA agent Valerie Plame to the media (in an effort to retaliate against her husband for exposing the White House's hyping of dubious Iraq intelligence) perhaps the courts will take up where Congress has failed.

— Laura Rozen

who, according to a former colleague, was serving as the CIA's chief of station in New York on 9-11. Murray treated Graham, a 27-year CIA veteran, so imperiously that the ensuing fracas led to the resignations of both Kappes and Sulick. According to several former CIA officers who served with Kappes and Sulick, both former Moscow chiefs of station who had only assumed the reins at the Directorate of Operations months earlier, the two men were among the most highly respected agency officers. "The real loss was Steve Kappes," says Mike Scheuer. "He would have been one of the best [deputy directors of operations]." Says another clandestine-services officer with more than 25 years of experience: "Goss got rid of them like they were nothing. His attitude was, 'You guys leaked stuff against the president. You're disloyal, and you need to be punished.'"

The purge was felt down the line, with various chiefs of station, division heads, and other top officials bailing out. No section was harder hit than the already rattled Near East Division. At least two consecutive Baghdad chiefs of station have quit or been fired, and division's staff at headquarters has been nearly swept clean of its experienced officials. "All over the agency, the talk is about the steady stream of people leaving," says one veteran CIA officer. "People are disillusioned, and there seems to be no relief from the sense that there is no fixing this." In the Near East Division, especially in the section that focuses on Iraq, many are gone. "What you've got left is a bunch of kids," this officer said. "You've got a bunch of newbies in there—some very smart, but with no experience." Another former CIA chief of station said: "There aren't any Arabists left in the CIA. They're gone. They weren't with the program. It's like Pol Pot, who killed anybody wearing glasses because they might be able to read."

Most troubling to agency watchers—including Harman, who says that the CIA's "free fall" is a "very, very bad omen in the middle of a war"—is that the people exiting the CIA are those with decades of experience. "The intelligence process is based on experience," says one grizzled CIA veteran. "It's the 10,000 at-bat syndrome. It's more an art than a science, and it is very difficult to teach. We're talking about an agency that has no bench. When you take out the A-team, there's no one."

Another retired chief of station, who maintains close ties inside the CIA, said that scores of top agency officials have scattered. Some have made deals with contractors, returning to the CIA sporting the green badge signifying that they are from the private sector, yet working alongside CIA officers doing the same job for half as much money. Others have taken jobs in the military-industrial complex. And still others are flocking to the new office of the director of national intelligence, led by Negroponte. "What's left behind are what you'd call the less enlightened people," he says. "Hot molecules escape; the cold ones are left behind."

Without a doubt, Goss' team is the most highly partisan ever to run the CIA. The ex-HPSCI staffers were notorious for taking a Republican Party-oriented stance on many issues, especially Murray, who once tried to get classified information released so it could be used against the Democrats. Under Goss, the CIA public-affairs office has been nearly shut down, under the tight control of Jennifer Millerwise—not an intelligence person, but a political operative who worked on the Bush-Cheney

election campaigns and for Goss at the HPSCI. The partisan, pro-Bush nature of the current regime at the CIA was underlined when Goss issued a widely leaked memorandum telling agency employees to "support the administration and its policies in our work," adding, "As agency employees we do not identify with, support, or champion opposition to the administration or its policies."

The import of Goss' memo to staff was not lost on agency veterans. "The meaning was that from now on, there is only one acceptable view, and that's the neocon view," said one. For many it was the final straw, convincing them that there was no hope of salvaging independent analysis. "At the [Directorate of Intelligence], they're wondering, 'What is our job now, now that our boss doesn't seem to care about us anyway?'" says Gregory Treverton, who served on the National Intelligence Council under Bill Clinton.

ON THE SEVENTH FLOOR AT LANGLEY, GOSS IS REPORTedly isolated. His staff protects him from agency veterans. It is said that he doesn't walk the halls or mix readily with the troops, doesn't eat in the CIA cafeteria, and gets chilly stares from employees. Many of them are angry that Goss has quietly allowed Negroponte to usurp traditional CIA roles, such as briefing the president on daily intelligence. "He's seen as a weak leader, not as an advocate," says one recently retired Middle East CIA officer. "So the agency is losing its position of influence." Having clashed early with the Directorate of Operations, Goss has alienated—some say irreparably—the heart of the CIA: its clandestine service. "Without the [Directorate of Operations], the CIA is the Brookings Institution with razor wire," says one former agent. Another adds: "The [Directorate of Operations] won't forgive Goss. With the [directorate], you are either an 'us' or a 'them.' With the start Goss made, he was firmly placed in the 'them' category."

Chas W. Freeman is a former assistant secretary of defense and U.S. ambassador to Saudi Arabia under the first President Bush. "What Goss is doing is an effort that originated outside the agency to impose a vision on it that its analysts and operatives reject as simply not based on reality," he says. "It's totalitarian. We are going to end up with an agency that is more right-wing, more conformist, and less prone to produce people with original views and dissenters."

Demoralized, weakened, and politicized, the CIA may yet recover. The agency, particularly the Directorate of Operations, has weathered storms before and knows how to hunker down. Goss will probably not remain at the helm for long. And despite him, the agency continues to produce reports on the U.S. predicament in Iraq that reflect a measure of reality-based pessimism. But there is anger, bitterness, and an unhealthy caution that ill serves America's need for an agency that, as one former CIA officer says, "speaks truth to power." Enormous damage has been done, and the rebuilding of the CIA will take many years after Goss departs. **TAP**

Robert Dreyfuss is a Prospect senior correspondent. He covers national security for Rolling Stone and writes frequently for The Nation and Mother Jones. His book, Devil's Game: How the United States Helped Unleash Fundamentalist Islam, was published this fall by Henry Holt/Metropolitan.

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LIBERAL INTELLIGENCE

SPECIAL REPORT
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SOLVING THE IMMIGRATION CRISIS

The road to comprehensive reform

DAVID BACON
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MARTA TIENDA
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**SPECIAL REPORT
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We appreciate the support of The Atlantic Philanthropies and the assistance of Maria Echaveste, who served as consulting editor for this report. It was edited by Robert Kuttner and Dorian Friedman. Moving Ideas, a project of The American Prospect, offers more on immigration reform at www.movingideas.org.

Cover illustration by McDavid Henderson

Immigration Demystified

Despite all the heat from the right, a consensus is developing for workable solutions to the immigration mess. But we're not there yet.

BY FRANK SHARRY

"The test of a first-rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function."

— F. Scott Fitzgerald

PITY THE POOR LAWMAKER. REGARDLESS of party or region, most members of Congress are now confronted with the demand to "do something" about illegal immigration. You have to feel for them. When the typical senator or congressional representative undertakes a typical swing through the district or state, it's the issue that just won't quit.

In town-hall meetings, the issue gets raised, as do tempers in the room. Inevitably, an exercised constituent grabs the mike, points his or her finger, and asks, "With terrorists trying to figure out how to get into the country to attack us, what are you doing to secure our borders?"

Then the local newspaper calls about a girl, a high-school valedictorian, on the verge of being deported because of rigid policies and bad legal advice. Her church and school are rallying to her defense. "Do you intend," the reporter asks, "to intervene with federal immigration authorities to keep this model student and her family together so they can pursue the American dream?"

During a meeting with local employers, a local business owner remarks offhandedly to our solon that his enterprise would not be able to survive, much less grow, if not for his immigrant workers. A sensitive subject is broached; the lid comes off; other employers get worked up. "We can't find anyone else to fill the positions we have opening up," the business owner says. "They show us a document when hired; who knows if it's legit? We suspect most are not, but we have to accept them or we can get accused of discrimination. Besides, it's the only way we

can find the workers we need."

And on it goes. Church officials and ethnic leaders weigh in to ask that immigrants' work be rewarded and that families be reunited. A union member complains that subcontractors are undercutting wages and working conditions by hiring vulnerable immigrant workers too scared to speak up. A hospital official points to uncompensated care costs and the need for medical translators. An unemployed worker growls that immigrants are getting all the jobs. Local elected officials shake their heads about the emotions stirred by a controversy over whether the county should provide funding for a proposed day-labor site.

Yikes! Our typical lawmaker frets. Staffers! I need a briefing! Get somebody in here who knows something! Will you please explain to me what's going on?

"Thank you for inviting me in to speak with you and your staff. I hope you don't mind if I'm blunt."

OVER THE PAST TWO DECADES, SUCCESSIVE Congresses and administrations have made a concerted effort to curtail illegal immigration at the Mexican border. It has failed miserably. According to a recent report by Princeton professor Douglas S. Massey, the U.S. Border Patrol's budget has increased tenfold since 1986. And yet this unprecedented increase in enforcement has coincided with an unprecedented increase in illegal immigration. The population of undocumented immigrants in the United States has risen to 11 million, and about 500,000 new migrants settle here each year.

We have an integrated labor market with Latin America, but we've failed to account for this fact in our policies. The movement of migrants from Latin America to the United States has been going on for decades, and this migration from

south to north is *not* the problem. On balance, it's a good thing: Our economy depends on the immigrant workers, the workers and their families depend on the wages they earn, and the "sending countries" depend on the remittances sent home by the workers.

SO, WHAT IS THE PROBLEM?

The problem is we have no workable regulatory regime. In the absence of legal channels, workers have nowhere to go but into the clutches of a black market dominated by smugglers, fake-document merchants, and unscrupulous employers. Dan Griswold of the Cato Institute sums it up this way: "Demand for low-skilled labor continues to grow in the United States while the domestic supply of suitable workers inexorably declines—yet U.S. immigration law contains virtually no legal channel through which low-skilled immigrant workers can enter the country to fill that gap ... American immigration laws are colliding with reality, and reality is winning."

He's right. A few years ago I visited Tixla, a sending community in the Mexican state of Guerrero. Many of its sons and daughters had left and migrated illegally to Chicago to fill service-sector jobs. Those left behind were mostly women, children, and the elderly. The workers used to come back to visit, but this had mostly stopped due to the press of their jobs up north and the risks associated with recrossing the border illegally. The townspeople were proud to show us the new school and basketball court that had recently been built with pooled remittances. And there, right in the middle of the basketball court, was a huge replica of the Chicago Bulls' logo.

That's when it hit me: Tixla, a dusty, rural town south of Mexico City, is a bedroom community for Chicago. We may not think of it that way, but it is a 21st-century fact. The town produces the workers needed to fill newly created service-sector jobs in the Chicago area. No matter how long or difficult the commute, the workers are going to find a way to show up for work.

BUT I THOUGHT WE HAD A GENEROUS IMMIGRATION SYSTEM

America does have relatively generous

employment-based quotas for *high-skilled* workers. But for workers who come to fill service jobs? Nada. The labor market demands roughly 500,000 such workers a year, but our immigration laws supply just 5,000 such immigrant visas annually. And this tiny trickle is backlogged for 10 years.

My point is that there is an enormous mismatch between labor-market realities and our immigration policy. Moreover, our family visa lines are so backlogged that it can take a decade for spouses to be reunited—legally. Not surprisingly, many



stop waiting and come illegally. Given all this, is it any wonder that our system is so broken, that our border-control efforts have failed, that 500,000 migrants settle without permission in the United States each year, and that the undocumented immigrant population now totals 11 million people?

UNCLE! WHAT THE HECK SHOULD WE DO?

We need a new perspective, one that transcends the myopia of the current either/or mind-set so popular with the polarized political class. We need a both/and approach that recognizes both the reality of an integrated labor market with Latin America and the legitimate demand for operational control of the borders in a post-September 11 world. We need to combine expanded enforcement strategies, expanded legal channels

for those entering the U.S. to work and join families, and expanded pathways to legal status and citizenship for undocumented immigrants already living and working here.

We need to enact comprehensive, workable reform legislation that is anchored in this new perspective. The only measure on the table that would come close is the recently introduced McCain-Kennedy bill. Its formal name is the Secure America and Orderly Immigration Act of 2005. Along with Senators John McCain and Edward Kennedy, it was co-

authored by Representatives Luis Guterrez, an Illinois Democrat, and Jeff Flake and Jim Kolbe, Arizona Republicans.

WHAT'S SO SPECIAL ABOUT MCCAIN-KENNEDY?

Specifically, the bill combines enhanced enforcement to ensure the reformed immigration system is effectively policed, widened legal channels for the future flow of workers and families, a workable solution for the 11 million undocumented immigrants currently working and living in the United States, and support for the successful integration of newcomers in the communities where they settle.

The key to effective enforcement is to make sure that *all* workers hired in the United States are here legally. The bill would accomplish this by building an electronic worker-verification system

(think credit-card swipe machines, but for Social Security cards, driver's licenses, or immigration documents, and only at the point of hire) combined with tough sanctions for employers who attempt to do an end run around the new system. Responsible employers are for it, as long as it's combined with legal channels for workers here and those needed in the future. Unscrupulous employers are getting nervous, because they benefit from the dysfunctional status quo.

The keys to making the admissions system realistic, controlled, and workable are providing enough visas for the expected future flow of workers and families and avoiding the abuses of old-style guest-worker programs. The bill would accom-

dence after six years and be eligible for citizenship in 11.

Critics call this "amnesty." Kennedy replies, "Our plan offers a realistic alternative—not an amnesty. There is no free pass, no automatic pardon, no trip to the front of the line." *The Wall Street Journal* editorial page, which is no friend of Kennedy's but supports more open borders, largely agreed with the senator: "Those who wave the 'no amnesty' flag are actually encouraging a larger underground illegal population."

Finally, the bill promotes the successful integration of new immigrants into local communities. Immigration has worked because newcomers are encouraged to become new Americans. The Se-

edged long-term solution to the migration challenge: economic development in sending nations and communities.

Still, the bill's premise is brilliant and its promise viable. It is a 21st-century proposal to deal with a 21st-century challenge.

WHAT'S BEEN THE RESPONSE?

McCain-Kennedy has garnered surprising support from across the spectrum and across the country. Co-sponsors run the gamut, from Republican Senator Sam Brownback on the right to House Minority Leader Nancy Pelosi on the left. Supporters include ethnic, religious, business, and labor groups, as well as some pro-reform conservatives. Within 90 days of its introduction, 52 of the nation's newspapers had printed 69 editorials and opinion pieces in favor of the McCain-Kennedy approach.

You would have thought that President George W. Bush would embrace the bill, declare it consistent with his own bold ideas regarding comprehensive reform, and promote it. You would have thought wrong. In July, top administration officials—Labor Secretary Elaine Chao and Homeland Security Director Michael Chertoff—were told by the White House at the last minute *not* to show up as scheduled and testify before a Senate Judiciary Committee hearing on immigration reform. A peeved Arlen Specter, Judiciary Committee chairman, promised full committee action this fall, with or without White House input.

Some believed the White House held back in favor of a competing Senate bill authored by Republican Senators John Cornyn of Texas and Jon Kyl of Arizona. But that bill was introduced in July to a resounding thud. The smoke signals coming out of the White House now suggest that the president will rework his own 2004 reform principles and push them out the door sometime this fall. But it's likely that the heavy lifting will be left to Congress.

SO, WHERE ARE THE PARTIES AND THE LEADERS ON ALL THIS?

More so than most issues, immigration creates tensions within both political parties. However, the divisions are far more

The immigration debate is about to be transformed. Lawmakers who describe the problem honestly and propose workable solutions will soon gain the upper hand on the enforcement-only crowd.

plish the first by creating 400,000 worker visas a year and increasing family-reunification visas slightly so that the current illegal flow would be funneled into a legal one. It would tackle the second by requiring employers to pay newly admitted workers the same wages as similarly situated workers. For example, workers on temporary visas would be able to change jobs without it threatening their immigration status. After four years in the country, such workers would be able to petition for permanent residence, rather than having to ask for the blessing of a particular employer.

The key to putting migration on a legal footing once and for all is finding a way for the 11 million undocumented immigrants to come out of the shadows voluntarily. The act would address this controversial issue head-on by offering incentives for undocumented immigrants to come forward, register with the government, pay a fine, study English, and clear up their taxes on their way to earning permanent residency. Immigrants who met these requirements could apply for permanent resi-

cure America act would take steps to renew this commitment by increasing English classes for adult immigrants, promoting citizenship, and offering the legal security workers need to move up the economic ladder. It's worth noting that when 3 million undocumented immigrants became legal immigrants some 20 years ago, their wages increased by 14 percent over five years and their productivity increased dramatically.

THE BILL CERTAINLY HAS ITS FAULTS and its critics. The enforcement provisions are strong but would need to be strengthened if we are to ensure that immigrant workers and families use widened legal channels and no others. Similarly, the bill aims to construct a temporary-worker program that would adequately protect both native and immigrant workers alike, though it would probably need refinements to achieve this objective. After all, the goal of immigration reform should be nothing less than to restore the rule of law—both to our immigration system and to low-wage labor markets. And, unfortunately, the bill does not adequately address the acknowl-

pronounced among Republicans. At times it seems the party is on the verge of a civil war, with culturally conservative populists and traditional law-and-order types on one side and pro-growth libertarians and pro-business conservatives on the other.

This leaves Republican leaders all over the place on immigration reform. A small but hardy band that supports workable reform in the House is complemented by a larger group in the Senate. Recent comments by House Speaker Dennis Hastert indicate that he is open to reform, while Senate Majority Leader Bill Frist can't figure out how to talk about the issue or when to bring it up in his chamber.

Meanwhile, the now-sidelined former House Majority Leader Tom DeLay wants more enforcement-only measures—and only after more enforcement bills are passed. Ideally, the House leadership wants a bill that would combine an old-style guest-worker program with an old-style crackdown on the 11 million undocumented immigrants. Of McCain-Kennedy, DeLay said, "It's not going to do very well in the House, I'll guarantee that." In the meantime, he supports an enforcement-only measure popular

among anti-immigrant groups and unpopular with local law enforcement. It would cut funding for local police unless they enforce federal immigration laws and round up undocumented immigrants. He even helpfully offered some limited federal backup. "If you pick up 50 or 100 of them, you can call the National Guard," he said. "Put them in tents."

In siding with the anti-immigration hard-liners, DeLay seems to be allying himself with an unusual populist revolt within the GOP against business. So certain is he that a crackdown on illegal immigration is politically important to a portion of the restless Republican base that he seems willing to support a unilateral crackdown on businesses that rely on immigrant workers and risk a backlash from some segments in the business community.

Finally, there's a group of House members to DeLay's right, some 82 members of the House Immigration Reform Caucus led by hard-liner Tom Tancredo of Colorado. He is gearing up to enter the Republican presidential primaries as a single-issue anti-immigration candidate. Some suspect he will follow in Pat Buchanan's footsteps, first

as a Republican primary contender and later as a Reform Party presidential candidate, garnering more attention than votes along the way.

But what plays among House Republicans is unlikely to be seen by most as a real solution. Most observers suspect that McCain-Kennedy, with beefed up immigration enforcement and worker protections, will be able to attract 60 to 75 votes. And the reaction to Cornyn-Kyl reveals that in this new debate, the new yardstick is, "Will it work?" In response to the bill's approach to the 11 million undocumented immigrants, McCain said, "report to deport' ... isn't workable ... [It] borders on fantasy." Pro-immigration conservative Grover Norquist called the Cornyn-Kyl approach "nutty." Business groups and the Catholic Church responded to the overall proposal by formally endorsing McCain-Kennedy.

THE DEMOCRATS ALSO HAVE THEIR tensions. The majority sees immigrants as part of a 21st-century New Deal coalition. Yet cross pressures and ambivalence stem from fears that immigration is detrimental to low-income workers and

IMMIGRATION BY THE NUMBERS

The last time this nation tried a "comprehensive" solution to its illegal-immigration problem—nearly **two decades ago**, under the Immigration Reform and Control Act of 1986—at least **3 million unauthorized aliens** were known to be living in the United States ... Within two years, that number had dropped to an **estimated 1.9 million**, as many formerly undocumented immigrants were legalized ... But rather than declining further, the population of undocumented residents **shot skyward during the 1990s—exceeding 7 million by 2000**, reports Douglas S. Massey, a Princeton University sociologist ... Today, **at least 10 million unauthorized immigrants** live in the United States—an all-time record, per the Pew Hispanic Center ... **More than half** (57 percent) are from Mexico, and **another quarter** (24 percent) are from elsewhere in Latin America.

So what happened? The evidence, says the Congressional Research Service, points

to **"a constellation of factors,"** including the "push-pull" of prosperity and jobs in America compared with economic hardship abroad and a **post-September 11** focus on tracking and expelling terrorism suspects ... Immigration changes in the '90s also made it **nearly impossible for undocumented workers to get family- or employer-sponsored visas**, which foreclosed a critical avenue for "illegals" to become "legal" ... **Lax enforcement of sanctions** on employers who hire undocumented workers has contributed mightily, too ... From 1990 to 2003, **annual government audits** of employers for violating immigration laws have dropped 77 percent; similarly, the number of employers fined for such violations is down 82 percent, according to Peter Brownell, for the Migration Policy Institute ... For these and other reasons, the probability of **apprehending undocumented immigrants** along the U.S.-Mexico border has dropped from an already low 30 percent in the '80s to just

5 percent, while their "cost per arrest" has surged by 467 percent since 1992.

Meanwhile, the share of *legal* migration began to shrink ... Lately, **more unauthorized migrants than legal ones** have been entering the United States—a function of increased illegal entries, but also of endless processing delays for those who apply legally in the wake of 9-11. Overall, according to the latest Pew analysis of Census Bureau data, **the number of legal and illegal immigrants to America hit a historic peak** in the new millennium year (1999-2000), and has since dropped to **about 1.2 million immigrants in 2004** ... To put it in perspective, spikes of this dimension occurred during the trans-Atlantic era of migration—and were associated with "the **Irish potato famine**, the end of the **Civil War**, the dramatic **economic swings** of the 1890s and 1900s, and **World War I**," as the Pew Hispanic Center report reminds us.

that immigrants are being groomed as "honorary whites" so as to further marginalize struggling African Americans.

What does all this mean for the prospects of good reform legislation? With Republicans split and Bush holding back, it probably means that the president can achieve immigration reform as part of his legacy only if he does something he doesn't normally do: stand up to hard-liners in his own party. On the other hand, if the issue proves too hot for him to handle precisely because of internal Republican divisions, all his talk of immigration reform will be just that. The bottom line? If the majority of Democrats and the minority of Republicans who support workable reform stay together and stay on offense, it's the only package that can pass—and the only package that can work.

In fact, smart Democrats are beginning to recognize that this is an issue on which it pays to play offense. Governors Bill Richardson of New Mexico and Janet Napolitano of Arizona demonstrated this in August when they filled the vacuum created by an absence of presidential leadership and Republican unity by calling for both tougher border control and smarter immigration policies à la McCain-Kennedy. Hawks on the right were quick to accuse them of "switching positions" from well-established pro-immigrant records on the part of both governors, indicating just how blind these hard-liners are to the emerging debate about how to fix our broken immigration system with a combination of enhanced enforcement and expanded legality for immigrant workers and their families.

SO, IT'S TIME COME OUT FROM BEHIND MY DESK?

That's my recommendation. I will go so far as to predict that the immigration debate is about to be transformed. Lawmakers who describe the problem honestly and propose workable solutions will soon gain the upper hand on the enforcement-only crowd. The latter are about to be exposed as all hat and no cattle. Before long, their constant whining, rigid intransigence, and insistence on more of the same will be blamed for thwarting workable reform and perpetuating the illegality and

insecurity of the current system.

Finally, let me suggest something that is hard to hear inside the Beltway. The public seems better prepared for workable immigration reform than the political class. In polling done for my organization, Republican pollster Ed Goeas of The Tarance Group teamed up with Democratic pollster Celinda Lake of Lake Snell Perry Mermin & Associates to test public reaction to the elements of the Secure America bill. Even though the package is complicated, and even after it was put up against the best arguments of opponents, voters support the overall proposal by a margin of 77 percent to 20 percent. The poll was conducted in March of this year, and the findings are drawn from telephone interviews with 800 likely voters nationwide, with a confidence interval of plus or minus 3.5 percent. Support was broad and deep among all demographics.

As if to underscore the point and confound conventional wisdom, an October poll by Goeas, this one of 800 likely Republican voters, found fully 78 percent favor the same, comprehensive approach to reform—one that combines tougher enforcement, employer sanctions, and tighter borders with "earned legalization"

for immigrants who come forward to register, work, pay taxes, and learn English. Moreover, two-thirds of those polled said they'd view President Bush more favorably if he'd support such a plan. Across the political spectrum, the desire for a solution is palpable.

Get out in front of this issue. Be for a solution that can work. Be for reforms that combine America's traditions as both a nation of immigrants and a nation of laws. Be for a progressive, pragmatic, bipartisan approach that controls our borders, protects workers, respects immigrants, and grows the economy. Sure, you've got some 'splainin' to do. But that's what political leadership requires. Sure, the echo chamber of simplistic sound bites will be replicated in your town-hall meetings ("What part of 'illegal' don't you understand?"). But now you'll have a realistic analysis and a pragmatic solution. And when it's time to match their sound bites with one of your own, here's my suggestion: Good policy is good politics. **TAP**

Frank Sharry is the executive director of the National Immigration Forum, a pro-immigrant advocacy organization located in Washington, D.C.

Learning From History

As Congress seeks a comprehensive immigration fix, the lessons of 1986's historic reform must guide the way.

BY DORIS MEISSNER

AS THE TEMPERATURE SURROUNDING immigration issues rises, let's remember that our political system walked this road 20 years ago during the debate that led to the Immigration Reform and Control Act (IRCA) of 1986. In its attempt to tackle illegal immigration, Congress struck a deal in which border control and employer responsibility were combined with amnesty. But the deal disintegrated in practice. Will Congress heed the lessons of IRCA as it revisits its immigration reform?

The core idea of IRCA was that it should be against the law to hire people illegally in

the country and that employers who do so should be subject to penalties. Employer penalties were first proposed in the 1950s by Paul Douglas of Illinois, a liberal economist who became a great U.S. senator. In 1972, Peter Rodino, then chairman of the House Judiciary Committee, sponsored employer-sanctions legislation that died. In 1977, the Carter administration drafted an employer-sanctions bill. But the Judiciary Committee chair, Mississippi's James Eastland, a champion of agricultural interests that opposed restrictions to cheap labor, refused even to hold hearings on it.

Senator Edward Kennedy then pro-

posed a study panel called the Select Commission on Immigration and Refugee Policy. Chaired by the distinguished Theodore Hesburgh, president of Notre Dame University, its members included a newly elected senator, Alan Simpson, and a junior congressman, Romano Mazzoli. Father Ted, as he was known, summarized the commission's work by saying, we need to close the "back door" to keep the "front door" open. Simpson and Mazzoli became indefatigable ambassadors for the commission's recommendations. They sponsored immigration-reform legislation in three successive Congresses before their bill was finally enacted in 1986.

Although the Simpson-Mazzoli bill is best known for its core elements of employer sanctions, border enforcement, and legalization, the IRCA framework had at least five pillars. Habitually brushed over are the state legalization impact assistance grants and the special agricultural worker programs. Under the legalization assistance grants, states were provided with \$4 billion over four years to help finance services to people in the process of becoming legalized. This was by far the lion's share of resources allocated for implementing IRCA. The agricultural provisions provided separate, highly permissive legalization provisions for farm workers. A companion authority allowed for "replenishment" agricultural workers—guest workers in all but name. It was never used because agriculture did not have labor shortages for several years once its workforce gained legal status.

TODAY'S CONVENTIONAL WISDOM IS that IRCA failed and the immigration system is badly broken. With at least 10 million people in the country unauthorized to be here, more than double the number when IRCA passed, that judgment is not surprising. Yet the solutions being advanced now are fundamentally those that were debated in the early '80s and before, and that ultimately became IRCA.

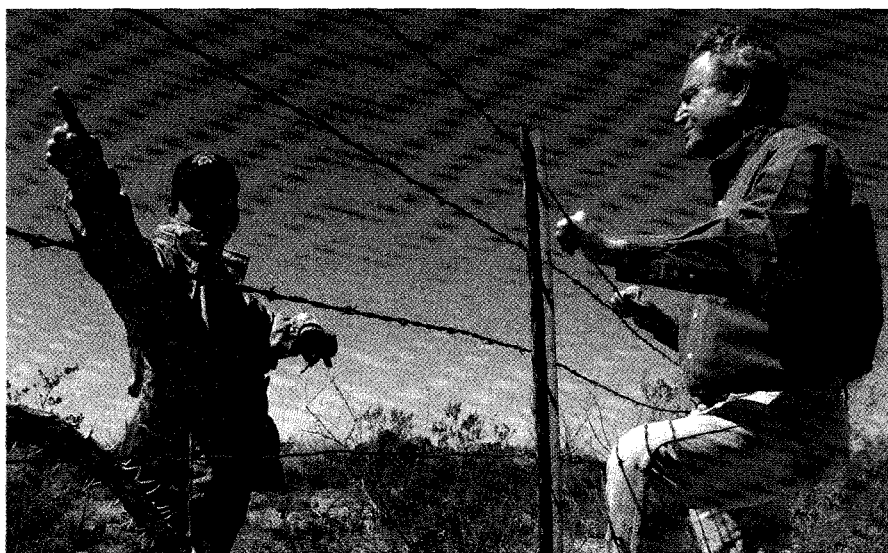
The practical question is whether we can do it right this time. In the IRCA compromise, legalization was the carrot required to get the stick of stronger law enforcement. Yet law enforcement proved too weak, while legalization

proved to be the most successful (and underappreciated) of the bill's provisions. Almost 2.7 million of the 3 million applicants for legalization received a newly created temporary-resident status, which, in turn, conferred eligibility for permanent-resident status and citizenship after that.

The legalized population has experienced substantial improvements in standards of living, economic mobility, and integration into U.S. society. This was predicted as a result of people's acquiring legal status and eventually full rights. The funding provided to states to absorb costs—

In addition, separate, special legalization provisions for agricultural workers were so loosely drawn that large-scale fraud became widespread in a segment of the undocumented population. It left an aftertaste of unfairness that deeply colors consideration of the issue today. Overall, however, legalization was a notable political and administrative achievement whose success was by and large unexpected.

For its sponsors and for immigration agencies, employer sanctions were the bill's historic breakthrough. They set aside what was known as the Texas proviso, a 1952 provision that made it illegal for a foreigner



The Great Divide: Mayor Ray Borane (right) and an immigrant advocate at the U.S.-Mexico border

primarily English-language training—for this population represented a substantial human-capital investment and was by far the largest allocation of money provided in the legislation. Otherwise, the program paid for itself by charging fees to applicants for processing their cases.

Where legalization fell short was less in the implementation of the program than in the eligibility criteria Congress established for it. The general legalization program required people to have been in continuous residence in the United States for at least five years. That meant that a substantial number—probably half—of the illegal population in the country was ineligible to apply. The assumption was that those people would leave because they would no longer be able to get jobs. Instead, they became the nucleus of today's unauthorized population.

to be in the country without authorization but permitted employers to hire such persons nonetheless. Because the availability of jobs in the United States is the primary reason people cross the border illegally or overstay their visas, cutting off the supply of jobs had long been seen as critical to effective immigration enforcement. In its report, the House Judiciary Committee called sanctions "the principal means of ... curtailing future illegal immigration."

As with other labor standards that are an employer's legal obligations, such as minimum wage or Social Security requirements, enforcement depends on a high degree of voluntary compliance, which, in turn, depends on ways to comply that do not raise employer costs prohibitively. Enforcement can then focus limited resources on a relatively small number of habitual violators.

That was the idea with the Simpson-Mazzoli bill, but key ingredients were missing. Most important was Congress' unwillingness to mandate a reliable way for employers to verify the legal status of whom they were hiring. As a result, more than two dozen different kinds of existing documents were permitted. Employers were required only to complete and maintain a record (the I-9 form) of having checked one or more of them. The law called upon employers to accept any document that "reasonably appears on its face to be genuine" and included provisions that discouraged aggressive questioning about legal status because of fears of being charged with hiring discrimination.

It was not a recipe for robust employer self-enforcement. Still, proponents believed half a loaf was better than none—the im-

Responding both to internal and external pressures, the former Immigration and Naturalization Service (INS), which had lead responsibility for sanctions enforcement, often shifted priorities between sanctions and other enforcement mandates, such as criminal alien removal, drug interdiction, or anti-smuggling. These competing pressures are even more intense today in the new Immigration and Customs Enforcement bureau (ICE) of the Department of Homeland Security, where employer enforcement is now housed alongside anti-terrorism and financial-crime mandates.

Successive administrations and congressional appropriators have failed to support adequate funding for enforcement and employer sanctions.

Interagency cooperation between the Department of Labor, whose responsi-

and job networks), multiple violations, or industry-wide illegal practices were occurring. The goals were to deter illegal hiring by making high-visibility cases and to win broader public support for employer enforcement by demonstrating the harm that was occurring.

The successes were few, and the political pressures against more aggressive measures ultimately prevailed. From onion growing in the Southeast to meatpacking in the Midwest, unauthorized workers had become the dominant labor force in more and more occupations and locations around the country. Jeopardizing access to that labor supply absent other ways to get a workforce represented a fundamental threat to the survival of more and more employers, and their businesses and communities. It could not succeed economically, hence it failed politically.

The experience of nearly 20 years has led to a stark paradox of widespread de jure compliance and rampant de facto violations. Nominal employer compliance with the law, i.e., checking documents and completing the I-9 form, has become standard practice. Yet illegal immigration and employment are at an all-time high. Persons without legal status present documents that employers look at to complete the form. Without any way to check the validity of the documents, the transaction is a win-win for the employers and the workers with fake documents. The losers are the rule of law, fair workplace conditions and protections, the integrity of the immigration system, and, increasingly, public support for immigration altogether.

In its cornerstone provision, IRCA changed the law and assumed a static world where the United States could put the policy messiness of illegal immigration behind and begin anew. It did not anticipate the deep changes in labor markets, demographics, and a globalizing economy that were just ahead. The fault lies not so much in the failure to anticipate but in the failure to adapt to these changes.

THE STORY IS QUITE THE OPPOSITE with border enforcement. In that case, policy adaptation to changed conditions was dramatic. Since the mid-1990s, serious efforts to strengthen border controls,

There are more than 8 million employers in the country. In 1990 there were about 500 investigators enforcing employer sanctions; today, fewer than 100.

portant victory was that legal immigration status had been established as a condition of employment. IRCA represented the largest expansion of federal regulatory authority since the enactment of the Occupational Safety and Health Act in 1980.

THE FATAL WEAKNESS WAS THAT MOST of the documents that were allowed were easy to counterfeit. A fraudulent document industry flourished to serve immigrant communities. The easy availability of fraudulent documents has also severely undermined the government's ability to show the "knowing" hire of unauthorized workers, a legal requirement that had to be proven.

Meanwhile, resources devoted to sanctions enforcement have been puny. There are more than 8 million employers in the country. In 1990 there were about 500 investigators enforcing employer sanctions; today, fewer than 100.

There has been ample opportunity since 1986 to make midcourse corrections. Administrations and Congresses of both parties have sidestepped the issues. The bill of particulars is substantial.

bilities include other employer oversight activities, and the Social Security Administration (SSA) to improve verification efforts was episodic and weak because the agencies' respective missions were often difficult to reconcile.

In 1996, Congress charged the INS and the SSA with implementing pilot programs for employers to use in verifying employment-eligibility documents. The programs have remained in pilot status through successive reauthorizations, little or no new funding has been provided to support them, and employer participation in the pilots is voluntary. As a result, a workable verification system has been developed but its impact has been minimal. Less than one-twentieth of 1 percent of the nation's employers use the verification pilot.

In the late 1990s, the INS attempted a new employer-enforcement strategy as a counterpart to dramatic changes in border-enforcement strategy. The agency concentrated its limited employer-enforcement resources on cases where severely abusive employer practices (e.g., trafficking, linked smuggling,

especially in the Southwest, have been put in place. Border enforcement has won broad bipartisan support, receives large budget infusions that have been sustained for more than a decade, and has intensified with sweeping new mandates since September 11.

The changes had their origins in pivotal events in the early 1990s that included the 1993 World Trade Center bombing, successive Cuban and Haitian boat emergencies, the anti-immigrant gubernatorial campaign of California Governor Pete Wilson, that state's successful Proposition 187 drive, and the North American Free Trade Agreement with its hope of accelerated job creation in Mexico. The political climate surrounding illegal immigration and the seeming ineffectiveness of immigration control were widely seen to demand federal leadership and attention.

The Clinton administration responded aggressively, making immigration a priority issue. It became part of the broader agenda of strong, community-based law enforcement that was a theme of Bill Clinton's presidency. One of its earliest manifestations was a new border-enforcement plan called Operation Gatekeeper, plus the commitment to a sustained buildup of resources from California to the Gulf of Mexico.

The strategy was based on a fundamental change in approach to border enforcement. New tactics emphasized disruption and apprehension; policy sought to prevent illegal entry through deterrence measures that included a broad mix of "people, equipment, and technology." The administration argued for "borders that work"—that is, borders that prevent illegal immigration and facilitate legal immigration and crossings. The new resource allocations and other changes the INS advocated were reflected both in the work of the U.S. Border Patrol and in improved inspections activities and capacity at legal ports of entry.

The policy also called for balanced enforcement, which meant border measures as part of a broad set of enforcement responses, both at the border and in the interior of the country. To that end, the INS consistently requested resources for stepped-up employer enforcement to

buttress its border efforts by reducing the pull of employment opportunities that fuel illegal immigration. Border enforcement was never seen as a mission that could succeed by itself. Indeed, Border Patrol agents habitually say they cannot achieve border control, no matter the resources, as long as jobs are waiting on the other side.

Nonetheless, Congress has appropriated money year after year for the border, often in amounts and for expenditures well beyond the requests made by the executive branch. Money that flows to interior enforcement is almost totally for detention and deportation, not for employer verification or enforcement. These are the elements of immigration enforcement around which broad bipartisan support has solidified. That support was demonstrated again after 9-11, when Congress rapidly enacted sweeping border-enforcement provisions to strengthen port-of-entry data systems and procedures and reduce overstays by those with tourist and student visas. The measures include requirements for biometric fingerprint data and electronic tracking of the entry and exit of all visitors to the country.

MANY OF THESE MEASURES HAVE been long overdue. But apart from border measures, on most other aspects of immigration—and there are many—there is deep ambivalence and disagreement in our body politic that block reasoned policy making.

The imbalance and ambivalence have had far-reaching, often perverse consequences. At one level, the 1990s border-enforcement strategies achieved their goal. The corridors of highest illegal crossings were closed off, altering long-established patterns of illegal immigration. But this is a case of winning the battle and losing the war.

In the absence of rethinking immigration policy more broadly, border enforcement has not only failed to reduce illegal immigration; it has increased dangers at the border, encouraged migrants to remain permanently in the country once here, and led to an all-time high in the size of the illegal population. Today illegal immigration outpaces legal immigra-

tion. The border buildup occurred during one of the country's longest periods of sustained economic growth since World War II. It should not be surprising, therefore, that law enforcement has been inadequate to the market fundamentals of supply and demand.

By asking of border enforcement more than it can deliver, our policy has caused public frustration to reach the boiling point in places like Arizona and given cause to extremist voices that make it all the harder to get to "yes" on the critical choices needed to reach meaningful change. As a result, U.S. policy today is deeply hypocritical, indefensible, and wrongheaded. In practice it says, "We will make it harder and harder to cross the border. But if you take the risk, including the risk of dying, there will be a job if you make it."

For an IRCA II to provide workable answers, it would have to be informed by hard lessons from past experience. Those lessons include the inadequacy of border enforcement absent a sound, mandatory employer verification and enforcement regime. They also include the imperatives of demography in which the number of native-born young people entering the workforce are no longer enough to meet current and coming labor needs. Immigration policy—through measures such as legalization and temporary and permanent work-based visas—can help fill the gaps. At the same time, experience tells us that for such changes to occur, a historic shift would be required in the politics of immigration and the attitudes and interests that animate them.

The stakes are high because the impact on societies of the international movement of people promises to be one of the defining characteristics of the 21st century, not only for the United States but for many nations. Immigration is a force that can contribute to our nation building or deepen our divisions and fears. The debate that is under way gives us a chance to choose. **TAP**

Doris Meissner is a senior fellow at the Migration Policy Institute. She was the commissioner of the U.S. Immigration and Naturalization Service during the Clinton administration.

Target Employers

For comprehensive immigration reform to work,
employers need to feel the heat.

BY MARIA ECHAVESTE

WHILE PEOPLE CHOOSE TO RISK LIFE AND limb to enter this country illegally for many reasons, the vast majority come to seek employment—and they find it. What would happen if employers were effectively penalized for hiring the undocumented? Would there be fewer job opportunities for those who should not be here and, consequently, fewer people trying to enter illegally?

Our current immigration policy is dysfunctional, partly because business' demand for more workers has interacted with the intertwining forces of racial and ethnic prejudice and the legitimate concerns of existing workers to protect their livelihoods. This pattern has a long history. Early threats to some U.S. workers by increasing numbers of new immigrants quickly became platforms for racist and nativist voices, such as the Chinese Exclusion Act of 1882. The 1917 literacy tests and the 1924 national origin quotas, enacted with support of organized-labor leaders like Samuel Gompers, aimed to stop or slow the flow of immigrant workers from southern and Eastern Europe—partly because of bigotry, partly because they pulled down wages.

Historically, however, immigration policy has rarely focused on the pull of the labor market or the working conditions of workers (domestic *or* immigrant), but rather on the immigrants themselves—their race, their country of origin, their numbers, and their ability to become “American.” Only after 1973 did the idea of penalizing employers for hiring the unauthorized take root. Both the AFL-CIO and the NAACP supported this idea, motivated by legitimate worries that an unending supply of workers could undercut hard-fought gains of organized labor or that new competition with those on the lowest rungs of the economic ladder would reduce wages. Employers complained of new regulatory burdens. Advocates for the growing Hispanic and Asian populations complained about the potential for discrimination against U.S. citizens and legal permanent residents—with good reason, given America's history.

Employer sanctions finally became law when Congress enacted the Immigration Reform and Control Act of 1986. Unfortunately, as experts across the ideological spectrum have noted, employer sanctions failed utterly. Indeed, the AFL-CIO now urges

repeal of employer sanctions because they have become a tool of employers to intimidate workers, rather than an effective mechanism to reduce the supply of undocumented workers.

The failure stemmed from compromises in the legislation itself as well as flawed implementation. First, we never solved the ID problem. A volatile and intense debate had ensued regarding how to prove legal status. Should a national ID card be required? And what's to be done about potential discrimination against legal U.S. workers based on national origin, i.e., those who look “foreign,” such as Hispanics and Asians? Congress compromised by providing that employees could prove legal status by showing a variety of documents; employers would record their inspection of such documents by filling out an I-9 form for each employee. As a result, the market for fraudulent documents—fake Social Security cards, driver's licenses, birth certificates—exploded. Employers often conveniently refuse to challenge questionable documents, either cynically or to avoid charges of discrimination. A 1990 General Accounting Office report concluded that widespread discrimination resulted from implementing the Immigration Reform and Control Act's I-9 requirements.

Further, bureaucratic inefficiencies, inadequate resources, and lack of political will to penalize employers doomed the experiment. Congress delegated to the Wage and Hour Division of the U.S. Department of Labor—which has responsibility for enforcing minimum wage, overtime, and other important labor standards—the responsibility for inspecting the I-9 forms of employers. (Full disclosure: I served as administrator of Wage and Hour from 1993 to 1997.) Yet where a Wage and Hour investigator has the authority to assess penalties for failure to comply with other labor standards, with respect to I-9 violations, referrals are made to the Immigration and Naturalization Service (INS, now Immigration and Customs Enforcement, or ICE). The INS, and now ICE, gave low priority to these referrals as its primary focus was on apprehending undocumented persons, not penalizing employers. At a June 2005 hearing, Congress found that “intent to fine” notices to employers for hiring the undocumented had declined from an insufficient 417 in 1999 to just three in 2004. With more than 6 million workplaces, more than 100 million employees, and only about 788 Wage and Hour investigators, employer sanctions

became merely a nuisance requirement to maintain records, not a serious risk of violations producing real penalties.

YET, DESPITE THE RESULTS TO DATE, EMPLOYER SANCTIONS deserve a second look. If we are concerned about stagnating wages and adverse working conditions for those at the bottom, reducing the supply of unauthorized workers would change the dynamics of the labor market. We should be able to ask this question without being considered racist or nativist. Today, those who are competing with the undocumented workforce are often legal immigrants and their children, as well as traditional low-income populations. Until we limit the supply of undocumented workers, we will never know if the agricultural fields, meatpacking plants, and chicken-processing factories truly cannot find legal U.S. workers by paying decently. If new workers are needed, it should not be because the wages and terms offered are insufficient to attract existing legal workers.

Since 1986, we have invested billions of dollars in fences, technology, and manpower along the border and have not succeeded in reducing the flow of undocumented workers into our country. Yet the proposals in Congress to increase enforcement at the border and against immigrants continue unabated, including new efforts to require police officers, firefighters, teachers, and others to verify the legal status of those with whom they come into contact. This would create real hardship for those in need of services. Why not focus on the very place where the majority of illegal immigrants can be found—that is, at the workplace?

To achieve a workplace focus, we would need to be serious about enforcing penalties against employers. We could, as some have suggested, give full responsibility of investigation and penalty assessment to one agency. For instance, part of the Department of Labor's mission is to inspect workplaces and enforce laws against employers who violate them.

With the changes in technology of the last 20 years, it would be possible, albeit difficult, to design a more efficient system of verifying the legal right of persons to work in the United States. Both the Social Security Administration and ICE have undertaken pilot programs to use technology to verify Social Security numbers or immigration status. These programs have shown that technology exists that can provide relatively unobtrusive means (and less expensive ones than sending out individual inspectors) for identifying those who are unauthorized to work or ferreting out inaccurate or fraudulent Social Security numbers. Yet these pilot programs have also starkly shown that without protections and limitations, many employers will use such information to intimidate and exploit the most vulnerable workers. Moreover, they revealed that both the Social Security and ICE databases contain inaccuracies and gaps.

Notwithstanding these existing problems, it is possible to conceive of a system for verifying the legal authority to work of all who are employed in the United States that would be accurate, universal, nondiscriminatory, neutral, and efficient. We

need to build in privacy protections while guarding against employers using such a system to intimidate workers who are seeking to improve their working conditions and livelihoods. For example, we could require that the verifying agency provide information to both employers and employees. We need to build in a specified period of time for an employee to appeal the determinations. If we designed such a system and added strict liability with stiff penalties—in the European Union, employers are routinely fined \$60,000 or more for each unauthorized employee—Labor Department investigators could focus on employers in low-wage industries or with high numbers of unverified workers, concentrating resources on them (rather than the current haphazard paper chase of tracking I-9 forms).

Many people who care deeply about the condition of immigrants and workers argue against employer sanctions or employer verification. They assert that better enforcement of minimum wage, overtime, safety rules, and other labor standards will deter employers from hiring the undocumented. I know firsthand that many employers who comply with other labor standards still hire the undocumented. Many businesses pay the minimum

If we do not focus on employers, pressures to control illegal immigration will cause politicians to focus on other venues to identify the undocumented, such as schools.

wage and have barely tolerable working conditions because there are sufficient undocumented workers willing to accept those terms. If we care about low-income workers in this country, we need to create pressure to improve their economic condition by reducing the supply of unauthorized workers.

Others argue that an effective employer verification system would drive the undocumented further underground. However, if jobs are not readily available, the number of those willing to risk their lives to cross borders illegally should be much smaller than it currently is. Lastly, if we do not focus on the workplace, the pressures to control illegal immigration will cause politicians to focus on other venues to identify the undocumented, such as schools, hospitals, and community-based organizations, or more intrusive checkpoints farther away from the border.

With President Bush and business interests supporting a major guest-worker program and immigrant advocates backing legalization for the currently undocumented, we must ask if this country is finally ready to require employers, not just immigrants, to abide by immigration laws. If we do not try to reduce the magnet of jobs, 20 years from now we will still have a broken immigration system and millions of undocumented and legal workers working for minimum wage—or below—and toiling in intolerable conditions. **TAP**

Maria Echaveste, an American Prospect board member, is the former deputy chief of staff for President Bill Clinton. She is also the co-founder of a Washington consulting group, Nueva Vista, and represents, among others, the United Farm Workers.

And the Winner Is ...

Guest workers live in fear of *la migra*,
and Congress isn't helping them a bit.

BY DAVID BACON

HIDING FROM THE U.S. BORDER PATROL IN AN air-conditioning duct for nine and a half hours, Jorge Mendez couldn't even come down to urinate. As agents passed below, he had to keep from making the slightest noise.

"I thought about my wife and my family," he remembers. "I had filled out my application to get all of them documents. I thought of all of my hopes and dreams ending there. From the moment I saw the *migra*, I thought, 'Everything is over.'"

Miraculously, the agents left without finding him. "Thank God I escaped," Mendez says fervently.

Unlike 212 of his 900 co-workers, Mendez had narrowly escaped one of the most infamous immigration raids in modern U.S. history: the enforcement action at Nebraska Beef on December 5, 2000. That day, federal agents (known as *la migra* to workers who live in fear of them) swooped down on the big Omaha meatpacking plant. They picked up three managers and three labor recruiters, accusing them of conspiring to bring workers up from Mexico and supplying them with false documents.

In bloodstained work clothes, the immigrant laborers were shackled like criminals and packed into buses. Many Omaha children didn't see their fathers or mothers come home that night. Instead, their parents were driven hundreds of miles to the border and dumped on the other side.

For more than a decade, Omaha has been a testing ground for the enforcement of U.S. immigration policy, in large part because the city, and the small towns of Nebraska and Iowa that surround it, are ground zero for the meatpacking industry. Its labor needs are shaping the debate in Congress, which will determine who benefits from the country's immigration laws.

TO JUSTIFY THE RAID, THE IMMIGRATION AND NATURALIZATION Service (INS) said it had evidence that a Nebraska Beef recruiter in Mexico was offering jobs at \$8.50 an hour, a \$100 signing bonus, free housing, and fake Social Security cards. But the agency deported the very people who could have testified about how they were hired, so a federal judge dismissed the charges in April 2002. The company walked.

The workers left behind were not so fortunate. The depor-

tations heightened a climate of fear inside the plant—already a fact of life for those without papers. People fear not just raids but the consequences of losing their jobs. Employer sanctions, a provision of the Immigration Reform and Control Act of 1986, make holding a job a crime for an undocumented worker. "You have to keep working because if you lose that job, finding another is difficult," Mendez explains.

After the raid, the plant's production-line speed increased to make up for the missing workers—beyond the normal rate of 2,400 cows a day, or one killed and cut apart every 24 seconds. Seven workers demanded a raise to compensate; they were fired. Many remaining workers tried to organize a union, but the fear was too strong. When the union election took place just months afterward, the United Food and Commercial Workers initiative lost, 452 to 345.

The raid wasn't Nebraska Beef's first experience with employer sanctions. For an entire year in 1998, the INS went through the employment records of every meatpacking plant in the state of Nebraska, plus two counties next door in Iowa, in what the agency called Operation Vanguard. Soon, more than 3,500 people had left their jobs, whether for immigration reasons or due to normal turnover. More than 300 people quit at Nebraska Beef alone.

After Operation Vanguard, Nebraska Governor (now U.S. Agriculture Secretary) Mike Johanns, employers, and the American Meat Institute (AMI) accused the INS of creating production bottlenecks, implying that they had been denied a necessary source of labor. Within six months, however, the meatpacking workforce had returned to previous levels. Omaha has earned a reputation as a place where people can find work, and they come—from Mexico and Central America and barrios across the United States—looking for it.

Immigration authorities (now Immigration and Customs Enforcement, or ICE) commonly defend sanctions by arguing that they discourage workers from coming to the United States illegally and free up jobs for citizens and legal residents, especially in communities with high unemployment. To press this point, immigration officials often accompany the media to a local unemployment office after a raid and post the jobs that supposedly have been vacated.

In fact, however, the number of people coming to the United States did not diminish with increased enforcement. According to the Census Bureau and the Pew Hispanic Center, there are more than 10.3 million undocumented residents in the country, an increase from 8.4 million in 2000. They estimate that the number has increased at 485,000 yearly—the description of a steady social process rather than a failure by immigration authorities. Internationally, more than 175 million people now live outside the countries where they were born. They are overwhelmingly moving from poorer to richer countries. It's unrealistic to expect workplace raids to deflect such an enormous global movement of people.

And the enforcement crackdown didn't produce jobs for anyone else, either. The communities in Omaha that used to provide workers for the meatpacking plants, and that no longer do today, have seen almost no effect from immigration enforcement.

THERE HAVE LONG BEEN MEXICANS and Latinos in Omaha. Immigrants have populated the city's working-class neighborhoods for more than a century, comprising 22 percent of the population as early as 1900. Today they represent 26 percent. Over the last three decades, however, meatpacking has moved from plants in urban centers like Omaha and Chicago to small towns closer to where livestock are raised. Nebraska's Latino population nearly doubled (95 percent) from 1990 to 2005 due to increases in these meatpacking towns within a few hours' radius.

In the late 1960s, Omaha's three largest plants closed, costing the jobs of more than 10,000 workers. The city's black community had fought hard to pull down the color line in these plants in the 1930s and '40s. The jobs provided not just economic stability but political power. In the '50s, black members used their hard-won base in the United Packinghouse Workers to demand that bars, restaurants, and other establishments halt segregationist restrictions. In the McCarthyite hysteria of the time, blacks and their allies were labeled "Reds" by conservative local union leaders.

Then came the closures, devastating Omaha's African American neighborhoods. Although other plants eventually took their places—Nebraska Beef, Northern States Beef (now Swift), and Greater Omaha Packing Company—the percentage of African American workers remains tiny. Immigration raids and Operation Vanguard didn't create a single job for north Omaha's black neighborhoods. Instead, packers relied on recruiting labor from farther and farther away, driven by a desire to keep labor costs low.

Meatpacking wages have steadily fallen behind the manufacturing average. According to the Bureau of Labor Statistics, 1980 slaughtering-plant wages were 1.16 times the manufacturing average. After nearly 25 years, they are now 0.76 times

that average (or an hourly \$11.59 in 2003). Considering how hard and dirty a slaughterhouse job can get, that wage is not a great attraction to any native-born or longtime-resident worker who can find another job. Meatpacking companies therefore face a choice: raise wages or find other workers.

Hardly coincidentally, unionization of packinghouse workers has fallen, too—from more than 80 percent in 1980 to less than 50 percent today. In Nebraska, like other meatpacking states, right-to-work laws prohibit unions from requiring membership. Nebraska's average manufacturing wage is \$12.32 an hour, 13 percent below the production average for the other 15 states where meatpacking is a major industry. Immigration raids didn't lead to increased wages any more than they created jobs.

If anything, they lowered them by making workers more vulnerable, creating a climate of fear in which union organizing was much harder.

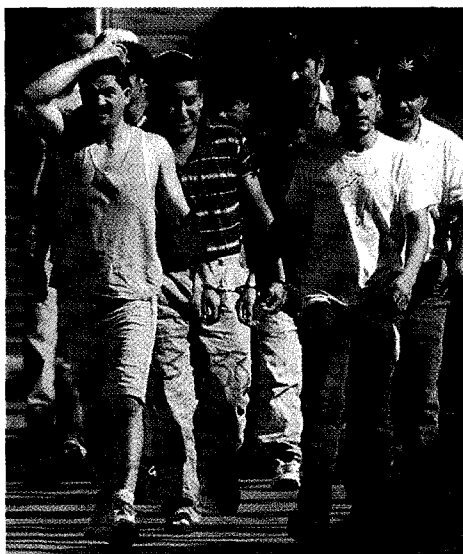
Sanctions enforcement, however, did become a means to pressure Congress and advance a political agenda for guest-worker reform. (Guest workers are individuals recruited outside the United States by employers who bring them in under temporary-contract visas.) One of Operation Vanguard's architects, Mark Reed, boasted that he would force employer groups to support guest-worker legislation. "We depend on foreign labor," he said. "If we don't have illegal immigration anymore, we'll have the political support for guest worker [reform]." Reed might have been a little ahead of his time, but he did get industry thinking. In the operation's

wake, large employer groups, the American Meat Institute prominent among them, began pushing for guest-worker programs tailored to industry.

Many U.S. industries are dependent on immigrant labor. The Pew Hispanic Center estimates that in 2001, undocumented workers constituted 58 percent of the workforce in agriculture, 23.8 percent in private household services, 16.6 percent in business services, 9.1 percent in restaurants, and 6.4 percent in construction.

IN 2002 THE AMI ISSUED A CALL FOR IMMIGRATION REFORM. It suggested automating the INS database so employers could verify immigration documents easily and moderating enforcement actions against employers who try to comply. The centerpiece: "creating a new, separate employment-based immigrant visa category covering mid- to low-skill workers." The proposal has been embraced by the Essential Worker Immigration Coalition (EWIC), which encompasses 40 employer groups from drugstores (think Wal-Mart) to hotel chains.

President Bush, who signed on to this general approach at the beginning of his administration, calls it "connecting willing employers with willing employees." For industry, the adoption



Walk This Way: No ID, no work in Omaha, Nebraska

of guest-worker proposals by the president and powerful forces in Congress is an indirect benefit from Operation Vanguard and the Nebraska Beef raid. These enforcement actions helped provide the political momentum for guest-worker proposals.

Meanwhile, two major bills reflect the AMI and EWIC agenda. One, authored by Senators Ted Kennedy and John McCain, would allow corporations to recruit 400,000 workers annually, offering the chance for permanent residency if they remain constantly employed for four years. The currently undocumented could become guest workers, too, with possible legal residence after six years. At the same time, employer sanctions would be enforced much more systematically, forcing workers to either sign up or leave. Another bill, by Senators John Cornyn and Jon Kyl, would allow companies to recruit guest workers for more limited periods, after which they'd have to go home. The currently undocumented would have to go back home, too, in order to apply for guest-worker visas. The bill has no real legalization program, and would direct enormous new resources into sanctions enforcement.

The AMI doesn't endorse any proposal. According to Rob Rosado, director of legislative affairs, meatpackers would like to normalize the status of the industry's current workforce "to allow the people already working to continue to work." The key issue, however, is the constant stream of new workers needed to keep plants running. "We support a new guest-worker visa," Rosado explains, "since there isn't one currently for permanent, full-time, nonseasonal workers." Asked if the industry would accept a basic wage guarantee for those workers, he responded, "We don't want the government setting wages. The market determines wages."

If either bill becomes law, plants like Nebraska Beef could gradually recruit new guest workers as normal turnover opened jobs, essentially doing legally what the government accused the company of doing in violation of the law five years ago.

IMMIGRANTS WILL ONLY HAVE RIGHTS IF THEY CAN FIGHT for them, says Tiberio Chavez, who helped lead successful efforts to organize Northern States Beef. Proposals for immigration reform can make that easier or harder. "The companies want to make money, and if one day they can make us work without pay, then they will. But the day we organize a strong united effort we will force them to grant us the rights we are entitled to, because all human beings have rights," he exclaims.

But union organizers believe that under Congress' guest-worker reform proposals, they'd have a hard time assisting employees who couldn't get a green card and didn't want to register as guest workers. Social Security and Department of Labor inspectors would check the immigration status of any worker who complained about unpaid wages or overtime, and under this new regime of employer sanctions, the undocumented would be more vulnerable than ever. Workers on temporary visas would be unlikely to sign a union card the next time the line speed got too fast, or if wages fell even further behind the manufacturing average.

Sergio Sosa was the key organizer in the union-organizing

alliance between Omaha Together One Community, a community project of the Industrial Areas Foundation, and the United Food and Commercial Workers. He says the obstacles for guest workers would be daunting. "With community support it's still possible for workers to resist, even when they have no papers," Sosa says, pointing to the way the documented and undocumented worked together at Northern States Beef. "But guest workers are cut off from the community. By definition they're temporary, and can't put down roots or look to a future here. Their function is to work and leave."

Last year Rodolfo Bobadilla, bishop of Huehuetenango, Guatemala, visited his countrymen working in Omaha's meatpacking plants. With the clarity of an outsider, he observed that "the U.S. needs these workers, so there should be a system to allow them to come to this country in a legal manner." But when only men come and only temporarily, he warned, "the family disintegrates. Our people here need to keep their own culture, participate in social movements, and integrate themselves in U.S. culture. People must plant their roots."

In Congress, African American political leaders agree. Members of the Congressional Black Caucus have sponsored a third alternative, the comprehensive immigration-reform proposal by Representative Sheila Jackson Lee. Her bill, like that signed by Ronald Reagan in 1986, would allow the undocumented to apply for permanent legal status if they have lived here for five years and understand basic English. Fees paid by applicants would fund job training and creation in communities with high unemployment. The bill has no guest-worker provision, and instead strengthens enforcement of immigrants' workplace rights.

"This would be better for us," says Sosa. "If we're going to improve conditions in our communities, we need legal status for those who lack it. We're prepared to struggle for something better, but we need enforcement which will make that easier, not harder."

This April, fully four years after the effort to unionize Nebraska Beef's immigrant workers went down to defeat, the National Labor Relations Board in Washington threw out the election results, citing the company's illegal intimidation tactics. The union and its backers scheduled a new election—but soon withdrew their petition in light of renewed intimidation efforts. Jesus Lopez, a former employee who was fired in April, said management was even threatening to close the plant if the union won.

"It took four years to throw out that old election because of the fear those same tactics created," Sosa exclaims angrily. "It's pretty obvious to workers that the company can violate all kinds of laws without paying a penalty. And Congress, instead of enforcing the laws that should guarantee workers their rights and allow them to raise the incomes of their families, is debating an immigration reform that will just help the company even more. Who is the real winner here?" **TAP**

David Bacon writes about labor and immigration. His book, The Children of NAFTA, was published last year by the University of California Press, and his photodocumentary on transnational communities, Beyond Borders, is due out next year.

The New Nativism

The alarming overlap between white nationalists
and mainstream anti-immigrant forces

BY LEONARD ZESKIND

MORE THAN 400 ANTI-IMMIGRATION ACTIVISTS gathered in Las Vegas over Memorial Day weekend to bemoan President Bush's failure to close the borders. One described the United States as a nation at war "every time a Mexican flag is planted on American soil." They celebrated their most recent success: a "border watch" in Arizona by fewer than 400 Minutemen vigilantes that had generated millions of dollars of free advertising. In the aftermath, Minutemen shops opened in Texas, Colorado, and Tennessee.

The two dozen speakers in Las Vegas reflected the breadth of a new movement still in birth: the parents of a dead September 11 firefighter, a police chief from New Hampshire, Pat Buchanan's vice-presidential running mate from his Reform Party bid in 2000, representatives of "immigration reform" organizations, a couple of talk-radio personalities, and several Republican Party activists (signaling the advent of immigration as the next big issue for the party's right wing). On the auditorium floor, hardcore white nationalists mixed easily, distributing literature and engaging potential recruits, explicitly identifying nation with race.

California Coalition for Immigration Reform spokeswoman Barbara Coe told the assembly that undocumented workers were "illegal barbarians who are cutting off heads and appendages of blind, white, disabled gringos." Coe believes a widely held demographic conspiracy theory called the "Reconquista," a supposedly covert plan by Mexico to take back the lands of the Southwest. In 1994, the *Los Angeles Times* credited Coe with providing the organizational muscle behind a statewide anti-immigrant referendum known as Proposition 187. That measure, later found unconstitutional by the U.S. Supreme Court, denied social and medical services to undocumented workers and their children. Outside the hall, along Desert Inn Road, a billboard sign read "Stop Immigration, Join the National Alliance," an imprecation to enlist in an avowedly national socialist sect known best for producing *The Turner Diaries*, the race-war terror novel carried by Oklahoma City bomber Timothy McVeigh.

For this movement, the most important figure in main-

stream trappings is Representative Tom Tancredo, a Republican from Colorado's 6th District, who delivered the keynote speech to great applause. The chief of a congressional immigration-reform caucus that he organized, Tancredo is a ubiquitous presence at such rallies and meetings. For him, Proposition 187 was the "primal scream of the people of California," which he described as being under "political, economic, and cultural siege." Tancredo trades on his role as a Capitol Hill insider to enhance his standing in a far-flung movement. And in Congress his reputation far exceeds his backbencher status, precisely because of his standing among angry Middle Americans. In Las Vegas, Tancredo was alternately humble and proud, comic and serious. He distanced himself from President Bush with a quip about the Minutemen's border watch the previous April. "The same day the president was calling them vigilantes, I was in Arizona calling them heroes," he gloated.

As evidenced by events in Las Vegas, a single—but not seamless—web connects ideological white supremacists, armed border vigilantes, nativist think tanks, political action committees, and Republican Party officeholders in an anti-immigrant movement of growing significance. Formal policy deliberations may include debates on the fiscal costs of providing social services to undocumented workers, the supposed downward pressure immigrant labor exerts on the marketplace, the net costs and benefits of immigration, and the national-security problems evinced by holes in our borders. But at gatherings like these, the raw issues are race and national identity.

Differences between legal and illegal immigrants fade into a generalized belief that a brown-skinned, Spanish-speaking tidal wave is about to swamp the white-skinned population of the United States. The attempt to stop undocumented workers at the borders morphs into a campaign to end immigration altogether, to save our supposedly white nation from demographic ruin. As Tancredo told interviewer John Hawkins, "[If] we don't control immigration, legal and illegal, we will eventually reach the point where it won't be what kind of a nation we are, balkanized or united; we will have to face the fact that we are no longer a nation at all ..."

TANCREDO EPITOMIZES AN OMINOUS OVERLAP BETWEEN seemingly respectable Republican anti-immigration activists and the white nationalist movement. His own route to anti-immigrant politics began in a Denver suburb, where he taught junior high school. He was elected to the Colorado statehouse in 1976 and re-elected in 1978, earning a reputation for cutting taxes and social services. Tancredo also called for the dissolution of the cabinet-level Education Department. However, in 1981, President Reagan named Tancredo a regional director in that department. He now touts his record of reducing his staff from 220 to 60.

In 1985, he used his office to distribute to Christian educators in his six-state region a speech by a onetime colleague that called for a “truly Christian educational system” and lamented “godlessness” in a country founded as a “Christian nation.” When a California resident sent Tancredo a postcard at the Education Department objecting to the material, the Californian received a personally derogatory letter from a Treasury Department employee—who apparently monitored activity across departments he considered “anti-Christian.” A subsequent investigation by Representative Pat Schroeder resulted in the Treasury official’s dismissal and an apology from the Education Department’s public-affairs office. Nevertheless, Tancredo kept his post and was reappointed by President George Bush Senior in 1989, according to newspaper accounts at the time.

After Bill Clinton’s election in 1992, Tancredo moved over to a regional policy center, financed by the Coors family, known as the Independence Institute, where he served as executive director until 1998. During the Clinton years, both the militias and the anti-immigrant movement bubbled into public view, and Tancredo associated himself with both. While he disavowed any formal relationship to militias, he was one of several speakers at a 1994 meeting called by the far-right, Colorado-based Guardians of American Liberty.

When he ran for Congress in 1998, Tancredo took \$500 from the Gun Owners of America Political Victory Fund, a group prominent in the militia movement. Gun Owners’ boss Larry Pratt had given a high-visibility 1992 speech to Aryan Nations figures and other white supremacists at a meeting regarded as the movement’s birthplace. The speech to the Aryans became so controversial that Pat Buchanan asked Pratt to step down as a co-chair of the former’s 1996 Republican Party campaign. After the 1999 student shootings and deaths at

Columbine High School—just blocks from Tancredo’s home—his public ardor for gun rights stilled. (Nevertheless, he accepted \$12,000 from the National Rifle Association between 1999 and 2003.)

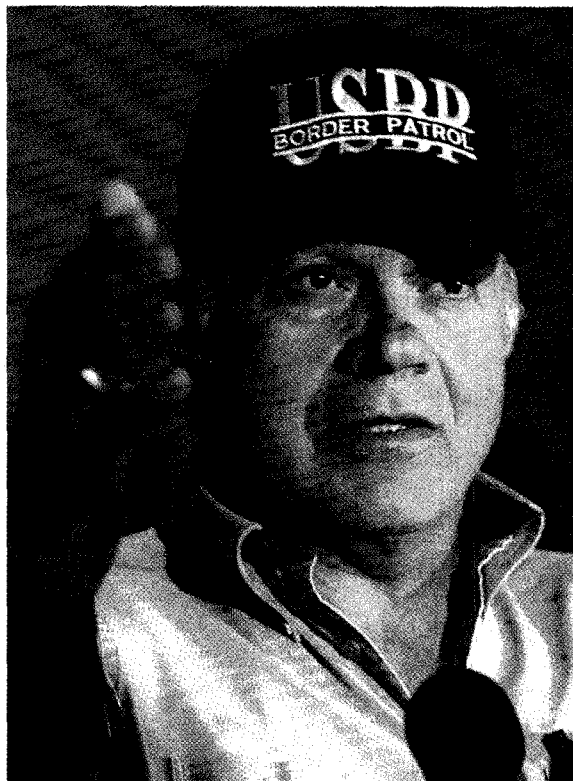
Tancredo’s immigration caucus has now grown to 91 members, and it promotes legislation to reduce legal immigration, plug the borders, and, in its own words, “address the widespread problem of voting by illegal aliens.” It also seeks to pass legislation denying citizenship to children born in the United States if their par-

ents are undocumented residents. This goal is explicitly contradicted by the Constitution, which declares that any person born in the United States is a citizen.

A similar political action committee and lobby called Team America holds periodic conferences featuring the major names of the anti-immigrant movement. Bay Buchanan serves as executive director, and the outfit bears the markings of Pat Buchanan’s views. In his most recent book, *The Death of the West: How Dying Populations and Immigrant Invasions Imperil Our Country and Civilization*, Buchanan makes an explicitly racial and religious argument, writing that falling “European” birthrates and rising immigration from Africa, Asia, and Latin America spell doom for America and the West; whether legal or illegal, non-white immigrants, as they reproduce, endanger white America.

Peter Brimelow, a former editor at *Forbes* magazine, echoes Buchanan’s contentions. “Suppose I had proposed more immigrants who look like me,” Brimelow wrote in his book *Alien Nation*. “So what? As late as 1950, somewhere up to nine out of ten Americans looked like me. That is, they were of European stock ... In those days, they had another name for this thing dismissed so contemptuously as ‘the racial hegemony of white Americans. They called it ‘America.’” These two writers provide an intellectualized rationale for the raw, crudely white-supremacist view that America is—or once was and should now be—a white and Christian nation.

AFTER THE 1965 IMMIGRATION ACT REMOVED BARRIERS based on national origin and ended the formulas discriminating in favor of immigrants from Western European countries, the first protests were lodged by the white-sheet and brown-shirt crowds. David Duke’s Knights of the Ku Klux Klan protested Cuban refugees housed in Arkansas, and Duke staged his own Minutemen-like “border patrol” in California in 1977. In Galveston, Texas, a court order finally stopped



Nativist Son: The anti-immigration Tom Tancredo at work

SAUL LOEB/EPA/LANDOV

Klansmen from burning the boats of newly arrived Vietnamese fishermen. During the same period, Aryan Nations produced a three-color propaganda map showing an immigrant invasion from Mexico (a version of which is still distributed). The term "mud flood" entered the racist lexicon. White-power skinheads attacked immigrants as part of their general war on people of color. One group beat an Ethiopian student to death in Portland in 1988; a duo murdered a Vietnamese teenager in Houston; and, in 1997, a lone-wolf skinhead shot to death a West African at a Denver bus stop.

At this end of the spectrum anti-Semitic conspiracy theories hold sway, and the battle against immigrants is linked to a campaign against Jewish control. Cadres from national socialist groups participated in the Minutemen border watch in Arizona in April 2004. At a recent Save Our State rally in California, they unfurled both the Confederate flag and one with a swastika while picketing a day-labor site. All of these episodes portend violence, and in Tennessee a Klansman pleaded guilty in August to making and selling pipe bombs with immigrants as the target.

An emblematic example of how the unsavory pieces of this movement intersect is the career of Wayne Charles Lutton, who holds a doctorate from Southern Illinois University Carbondale. In the early 1980s, he wrote book reviews for *National Review*, penned articles on AIDS for Christian-right publications, and won recognition as an expert on population and immigration. At the same time, writing as Charles Lutton, he got involved with the Institute for Historical Review, a pseudo-scholarly group of Holocaust-deniers. Lutton wrote for its journal in the 1980s and '90s, mostly about military strategy, and joined the institute's advisory board in 1985. Today Lutton serves as a trustee of the New Century Foundation, the corporate shell holding a think tank known as American Renaissance, an advocate of both scientific racism and white nationalism, and he speaks frequently at its conferences.

Lutton's résumé as a highly educated flat-earthier would be of little consequence here except that he also occupies this seat at one of the most significant anti-immigrant think tanks. He edits its journal, *The Social Contract*, and co-authored *The Immigration Invasion*, a 190-page paperback written in 1994. Onetime Democratic presidential aspirant Eugene McCarthy, surprisingly, wrote a two-page foreword for the book ("I recommend study of the immigration issue and of this thoughtful book to all Americans."). The book's circulation has been so widespread—due in large measure to the financial power of Lutton's co-author and boss at the Social Contract Press, John Tanton—that it is now part of the growing movement's wallpaper.

It was Tanton who founded the anti-immigration movement's most powerful institution, the Federation for American Immigration Reform (FAIR). A retired ophthalmologist once active on environmental issues, his interest in immigration was marked in the beginning by an explicitly racial argument. "To govern is to populate," Tanton wrote in 1986. "Will the present

majority peaceably hand over its political power to a group that is simply more fertile? ... As Whites see their power and control over their lives declining, will they simply go quietly into the night? Or will there be an explosion?"

Tanton founded FAIR in 1979. Between 1982 and 1994, it received more than \$1.2 million from the Pioneer Fund. A little-known foundation created in 1937, the Pioneer Fund likes to benignly describe its origins in "the Darwinian-Galtonian evolutionary tradition, and the eugenics movement." In the late 1930s, though, it frankly admired Hitler. Today, it still bankrolls groups such as the aforementioned American Renaissance and the American Immigration Control Foundation (AICF) in Virginia. As FAIR has attempted to develop a more mainstream persona, it has dropped the Pioneer Fund as a funding source. FAIR's executive director, Dan Stein, has repeatedly denied that any racial animus motivates its activities. But the federation has kept Tanton on its corporate board of directors.

In addition, FAIR's political action committee, the U.S. Immigration Reform PAC, routinely receives significant contri-

When questioned about her views, Virginia Deane Abernethy, retired Vanderbilt professor, said that she was a "white separatist." She added, "We're saying that each ethnic group is often happier with its own kind."

butions from Tanton and his wife. FAIR's PAC has contributed more than a quarter-million dollars for and against candidates since 1999. In 2000, it spent more than \$30,000 against Republican Senator Spencer Abraham of Michigan, an Arab American, who lost that general election. Not surprisingly, it has also given Representative Tancred \$15,000 over the years, according to Federal Election Commission documents. Buried in those documents is a disclosure that the PAC had Peter Gemma on its payroll doing clerical work. Gemma is a denizen of Holocaust-denial meetings and other hardcore anti-Semitic venues, according to Devin Burghart, the author of numerous reports on anti-immigrant groups for the Center for New Community in Chicago. Gemma apparently did not make any of the money decisions at FAIR's PAC, but his presence is another indicator of the shark-infested waters that politicians like Tancred swim in.

While FAIR has the biggest footprint on Capitol Hill, the AICF possesses the largest list of donors among the think tanks that provide literature and ideas to local groups. It has also received \$180,000 in grants from the Pioneer Fund. But its main source of funds is an immense donor base: more than 400,000 names of contributors who give \$5 or more, according to documents provided by the Center for New Community. The donor list legally belongs to American Immigration Control Foundation NC, one of three corporations that make up this particular mini-empire.

Notably, the AICF is heavily interlaced with the Council of

Conservative Citizens. The lineal descendant of the '60s-era white Citizens Councils, the Council of Conservative Citizens revived itself in the '90s with campaigns for the Confederate flag and against immigration. It stays away from explicit anti-Semitism and describes itself as a "white separatist" group rather than "white nationalist." This distinction is without a difference—particularly given the arguments its leadership have made for a genetically determined notion of American nationalism. Trent Lott was forced to disassociate himself from the council once his ties to the group became public.

The Council of Conservative Citizens is heavily linked with several anti-immigrant groups, including the AICF. One AICF board member, Brent Nelson, also sits as director of the council's foundation. President of the AICF's board from 1993–95, the now-deceased Sam Francis edited the council's tabloid until this year and otherwise served as its commanding philosopher-general. And the aforementioned Wayne Lutton, editor of *Social Contract* and occupant of Holocaust-denial circles, serves on the Council of Conservative Citizens' editorial advisory board.

Although not cut from a single party-line cookie cutter, each of these personalities connects other anti-immigrant groups to the Council of Conservative Citizens. And on significant occasions these links extend into the electoral process and policy making. Consider Arizona's Proposition 200 and Virginia Abernethy.

Dr. Virginia Deane Abernethy, a retired professor from Vanderbilt University's School of Medicine and author of several books on population and environment, sits on the board of two organizations with immigration concerns. She is yet another highly educated professional serving on the Council of Conservative Citizens editorial advisory board and a frequent featured speaker at the council's meetings.

Proposition 200 requires proof of citizenship when registering to vote or when signing up for state welfare benefits. It passed with 56 percent of the vote in the Arizona Legislature. More tightly written than California's Proposition 187, the Arizona referendum has survived court challenges to date and is likely to inspire similar statewide initiatives. Brought to the ballot by an organization known as Protect Arizona Now, campaign-finance report forms show that it received in-kind contributions totaling \$600,000 from the Federation for American Immigration Reform—which essentially underwrote the petition's signature-gathering process. But when the Protect Arizona Now committee selected a chair for its national advisory board, it did not pick someone from FAIR. Instead, it chose Abernethy, according to the Center for New Community, which issued a special report on her selection. "With charges of racism already swirling around I-200 ... [Protect Arizona Now] has taken the surprising step of choosing a leading figure in the white supremacist movement," the center wrote.

When questioned about her views, Abernethy told *The Arizona Republic* that she was a "white separatist," a term used by white nationalists when they want to avoid the ugly implications of the supremacist label. She added, "We're saying that each ethnic group is often happier with its own kind." What did Protect Arizona Now's founder say when asked by the

paper? That Abernethy is "considered the grande dame of the anti-immigration movement."

In response to the controversy, FAIR issued a press release that read, "FAIR, and everyone FAIR represents, categorically denies and repudiates Abernethy's repulsive separatist views." The repudiation did not extend to FAIR's own cooperation with white nationalists, however, which goes far beyond acceptance of Pioneer Fund monies.

PUBLIC ACKNOWLEDGMENT OF THE CONNECTION BETWEEN white nationalism and the anti-immigrant movement threatens to undermine the legislative strength of FAIR and Representative Tancredo's congressional caucus. Both are doing their best to dodge this bullet. "People who say it's racist to want secure borders are insulting the intelligence of the American people ...," Tancredo wrote in a May 1 *Los Angeles Times* op-ed. By his lights, the combined impact of Proposition 200 and the Minutemen has energized his movement.

Initiatives modeled on Arizona's Proposition 200 are already under way in Washington state, Colorado, and California, and are under consideration elsewhere. The major PACs will decide early next year whom to support in the 2006 congressional races, and they won't hesitate to back primary candidates against Republicans they regard as too soft on border issues. Immigration-related matters—from driver's licenses to social services to public education—will be under consideration in virtually every state legislature in the country next year, and the initiative has been seized by nativists, xenophobes, and white nationalists.

After a congressional seat from California's District 48 opened up for a special election, one of the Minutemen's founders, Jim Gilchrest, ran as a candidate of the marginal American Independent Party in an all-party primary on October 4. Gilchrest received 14.4 percent of the vote, more than the Democratic Party candidate, and enough to come in third. *The Orange County Register* counted "illegal immigration" as the issue that forced a runoff election.

Tancredo could well run in the 2008 presidential primaries. He has not formally declared his candidacy, but has said that he would run if no other candidate emerged to carry his "immigration reform" banner. He visited New Hampshire and Iowa. In that first caucus state, he held three house party fund-raisers in July sponsored by local Christian Coalition activists. Tancredo knows this constituency well, dating back to his days as a Colorado state legislator, and he has also spoken twice in Georgia at the Christian Coalition's annual conventions. His trip to Iowa was tightly managed by Bay Buchanan, and he seems to be following the path left by Bay's brother Pat in 1992 and '96.

Things have changed in 10 years, however. Today the thin white nationalist trail around the edges of the Republican mountain is a major highway, one in which mainstream travelers mingle with bandits. **TAP**

Leonard Zeskind is completing a book on the white nationalist movement for Farrar, Straus & Giroux. He was a MacArthur Fellow in 1998 and a Petra Fellow in 1992.

Be Our Guest?

Our economy benefits from immigrants. But if guest workers are treated as a caste without rights, native workers and immigrants will both suffer.

BY MARTA TIENDA

IMMIGRANTS ARE GOOD FOR BUSINESS. IN FACT, THE rapid clip of U.S. economic growth might not be possible without them. Even as academics debate whether immigrants take jobs away from domestic workers, and as homegrown militias organize to patrol the nation's southern border, hundreds of thousands of immigrants—more than half of them undocumented—make their way to jobs in the United States every year. According to the Census Bureau, more than 80 percent of the foreign-born population, estimated at close to 34.2 million in 2004, is of prime working age versus only 60 percent of the native born. This figure includes more than 10 million undocumented migrants—an all-time high, according to a Pew Hispanic Center report from this year. Immigrants now comprise a larger share of labor-force growth than native workers.

On the heels of a jobless recovery and incontrovertible evidence that post-September 11 policies designed to seal U.S. borders have failed, however, proposals for comprehensive immigration reform have, once again, taken center stage. The swelling undocumented population poses a monumental dilemma, both for politicians anxious to guarantee the business community an ample supply of workers and for bureaucrats still in denial about the lengths would-be immigrants will go to get around physical barriers in pursuit of jobs in the United States.

We should not be too quick to seal our borders completely. Foreign-born workers have maintained the viability of declining industries facing acute global competition, such as non-durable manufacturing, and have filled the briskly growing number of non-exportable jobs in industries like construction and personal services. These trends, combined with high levels of wage inequality between skilled and unskilled workers, bear important lessons for the viability of an expanded guest-worker program and should be part of the debate as we look toward comprehensive immigration reform.

IMMIGRATION AND LABOR DEMAND

As Congress debates another round of immigration reform, it's important to note just how much the functions of immigrant labor in the United States have changed. Three features of re-

cent immigration trends are noteworthy: the growth of undocumented immigration, a rising share of unskilled and Hispanic workers among new arrivals, and an unprecedented geographic dispersal of the foreign-born.

Much of the current controversy about immigration reform focuses on border control and employment issues, yet family and humanitarian concerns remain the pillars of the preference system, accounting for the vast majority of legal admissions. Between 1980 and 2000, legal admissions averaged 650,000 to 670,000 annually, and exceeded 1 million in several years as a result of the 1986 amnesty program. Employment-based immigrants, who accounted for a mere 9 percent to 16 percent of all legal immigrants admitted since 1996, fell below the cap every year except for 2001, 2002, and 2004. By design, the majority of immigrants admitted under work preferences are skilled workers or professionals.

By contrast, the unauthorized component of the U.S. foreign-born population grew rapidly during the 1990s. Undocumented migration has fallen since 2000 to around 700,000 annually, down from an annual peak of nearly 750,000 between 1995 and 1999. What's more, based on estimates from the 2004 Current Population Survey, more than 85 percent of the undocumented workers here arrived since 1990, with more than 80 percent from Latin America, mostly Mexico. That unauthorized entrants have surpassed legal admissions since about 1995 not only is historically unprecedented but also suggests considerable unmet demand for unskilled workers.

This squares with the educational characteristics of the foreign-born population. Although immigrants are as likely as natives to hold college degrees, the foreign-born are also disproportionately more poorly educated. More than 20 percent completed less than nine years of formal schooling, compared with just over 4 percent of the native-born population. Recent arrivals from Latin America, mostly Mexico and Central America, dominate the pool of the low-skilled migrants, whose only labor-market possibilities are poorly paid manual-labor jobs.

Finally, new settlement patterns are changing the geographic landscape of the foreign-born population. Lured by abundant unskilled jobs and affordable housing, foreign-born workers,

and recent arrivals in particular, are opting for places like Raleigh, North Carolina; Reno, Nevada; and Memphis, Tennessee. Today, recent immigrants, including the undocumented, are less inclined to enter one of the six traditional gateway states (California, New York, Texas, Florida, Illinois, and New Jersey) than in the past. About 39 percent of undocumented migrants reside in states where, until recently, the foreign-born population had a minimal presence.

The South registered the fastest growth in the foreign-born population, 88 percent compared with 38 percent in the Northeast, 50 percent in the West, and 65 percent in the nation's heartland. But regional averages conceal considerable diversity among states. For instance, Nebraska's foreign-born population grew 165 percent during the 1990s—2.5 times the national average—while Nevada's foreign-born residents surged more than 200 percent. Georgia, North Carolina, and Arkansas registered hefty increases in their foreign-born populations, 233 percent, 274 percent, and 196 percent, respectively.

The bifurcated skill distribution of contemporary immigrants and the sizable shares of unskilled immigrants among recent

province of men, these markets now also draw women seeking jobs in garment factories or domestic work in private households. Tales of unpaid workdays, subminimum wages, and uncompensated overtime proliferate in investigative reports about day laborers in janitorial, landscaping, construction, and other industries with skill requirements so low that workers are easily substituted and English is not required.

Nationally and in the large urban labor markets like Los Angeles and Miami where immigrants have traditionally settled, labor-force growth averaged 32 percent to 33 percent between 1980 and 2000. In the new immigrant urban destinations as well as the small metropolitan and nonmetropolitan markets, labor-force growth averaged 35 percent to 40 percent, respectively, with most of the expansion occurring during the booming '90s. In the main, new immigrants stayed away from large urban labor markets where labor-force growth stagnated or declined, such as Philadelphia, Detroit, and St. Louis.

Perhaps as a domestic alternative to outsourcing, as *Congressional Quarterly Weekly* has reported, changes in the industrial composition of employment favored the absorption of

unskilled immigrant workers. Even as the share of the U.S. workforce engaged in agriculture dwindled—from 4 percent in 1980 to less than 2 percent in 2000—concentration of immigrants (especially Hispanics) in farming jobs has intensified. In the new destinations, the share

of foreign-born workers engaged in agriculture nearly quadrupled since 1980, rising from 4 percent to 17 percent of the industry total. The same is true in other declining industries, such as durable and nondurable manufacturing, where increased reliance on foreign-born workers provides alternatives to outsourcing, possibly accompanied by downsizing, as a means of remaining globally competitive.

In the traditional immigrant hubs, for example, as the nondurable manufacturing labor force shrank from 8 percent to 4 percent of all workers between 1980 and 2000, the industry's workforce became immigrant-dominated. Slightly more than one in four nondurable manufacturing workers were foreign born in 1980, compared with nearly half by 2000. There is a similar trend in the new immigrant destinations, where the exodus of native workers from the shrinking nondurable manufacturing sector was offset by the entry of immigrants, who currently comprise about 18 percent of all workers, compared with less than 7 percent in 1980. Whether or not immigrants are displacing domestic workers, smaller wage bills are a common result.

Immigrants are also participating in growth industries, notably construction and various personal-service industries like restaurants, cleaning concerns, and landscaping, which require few skills. Nationally, construction industries absorbed 7 percent of the total labor force in 2000, relatively unchanged since 1980. Yet parts of the industry have become "immigrant job niches" throughout the nation. In the traditional immigrant urban hubs, the foreign-born share of construction workers more than doubled, from 15 percent to 37 percent in just two

To be successful, any guest-worker program must address the labor-displacement and wage-competition effects, as well as rights, social integration, and earned amnesty.

arrivals pose both an economic and a social dilemma. The puzzle is that despite the wage declines sustained by unskilled workers during the 1980s and the first half of the '90s, the volume of immigration, and low-skilled migrants in particular, continued to rise. I believe this is because unskilled immigrants have become preferred workers in industries that are vulnerable to international competition as well as for unskilled service jobs not amenable to outsourcing. Another dilemma is whether and how much undocumented workers compete with one another and with native workers, and whether they do this through outright displacement or by pulling down wages of workers they don't replace.

The social dilemma is that the immigrant geographic dispersal poses formidable social integration challenges for communities unaccustomed to commingling with foreign-born residents. A successful guest-worker proposal must address both labor displacement and the wage-competition effects of undocumented immigration, as well as include strategies to promote social integration if earned amnesty is part of the proposed solution.

WORKERS WANTED: NO SKILLS NEEDED

Huddled along curbsides in large cities, at gas stations, in suburban parking lots, and on visible street corners in small towns, they wait anxiously for drive-by employers in hopes of being "chosen" for a day of manual labor. Fairly common scenes in California since the late '80s, open-air markets for day laborers proliferated during the roaring '90s and even during the recent period of sluggish job growth. The vast majority are recent migrants who lack marketable skills or legal status. Once the

decades. So, too, in the new destinations, where immigrants' employment share of the construction workforce more than tripled since 1980, from 4.8 to 16.2 percent.

Whether immigrants take jobs away from domestic workers because they are preferred by employers hungry for cheap labor or whether they fill niches vacated by native workers in new places remains an open debate, but changes in weekly wages yield insight into this thorny question. In the traditional immigrant hubs, for example, median weekly wages of white and black construction workers were relatively stagnant, rising only 1 percent to 2 percent between 1980 and 2000. Over the same period, though, median weekly wages of U.S.-born Hispanic workers fell 13 percent, slightly less than the 21-percent wage decline registered by foreign-born Hispanics. Non-Hispanic immigrants saw their wages fall 11 percent, or about half as much. Similarly, in the new immigrant destinations, where median wages of foreign-born Hispanic construction workers fell 23 percent after 1980, black and white construction workers enjoyed modest wage growth.

A more dramatic scenario of wage polarization between native and foreign-born workers obtains in the burgeoning personal- and repair-service industries, which accounted for nearly 14.5 percent of all workers in 2000, up from 11.6 percent in 1980. Median weekly wages of white and black service workers rose about 24 percent in the traditional immigrant destinations, and 29 percent to 34 percent, respectively, for white and black workers in the new immigrant destinations. However, the positive wage growth of U.S.-born Hispanics working in personal and repair services was considerably more modest, at 4 percent and 8 percent, respectively, for residents in the traditional and new immigrant destinations. Yet this compares quite favorably with the experience of Hispanic immigrants working in the personal- and repair-service industries, whose median weekly wages plummeted 9 percent and 11 percent in the new and traditional destinations, respectively, since 1980. At the same time, median weekly wages of non-Hispanic immigrants engaged in similar concerns rose 12 percent and 9 percent, respectively, in both new and traditional destinations.

That between 40 percent and 50 percent of foreign-born Hispanics lack a high-school education largely explains their deteriorating wage position, but not why they appear to be preferred workers in declining industries. Only 7.5 percent of their native-born compatriots, 13 percent of blacks, and about 5 percent of white workers were as educationally disadvantaged. Unlike manufacturing concerns, neither construction nor personal and repair services are amenable to outsourcing, hence wage erosion cannot be blamed on imperatives to remain competitive in global markets. In fact, median weekly wages of foreign-born Hispanics—the largest segment of recent legal and illegal immigration—declined in 10 out of 13 broad industry categories during the past two decades. Partly this is because they compete with themselves and/or with unskilled Hispanic citizens as they flood specific labor-market niches; partly, though, it is because they are increasingly vulnerable to exploitation as their swelling numbers render them redundant workers.

SOCIAL AND POLICY IMPLICATIONS

Unskilled immigration is likely to continue—through legal or clandestine means—owing to brisk growth in industries requiring limited skills, the exodus of native workers from declining industries, and the powerful role of social networks in recruiting fellow compatriots eager for a share of the American wage pie. Some head to labor-scarce regions where few immigrants had settled before; others fill jobs that native workers rebuff in the traditional destinations. Guest-worker proposals designed to combat undocumented migration should take note of the labor-force transformation toward industries that employ large numbers of unskilled workers and the accompanying wage deterioration among native and foreign-born workers in these industries.

Recent labor-force trends have two very strong lessons for immigration-policy reform. One is that the current emphasis on highly skilled workers of employment-based legal migration ignores the substantial demand for unskilled labor, particularly in industries for which outsourcing is not a viable option to reduce labor costs. To address this labor shortage, temporary-worker proposals should include substantial numbers of visas for unskilled workers. Second, dramatic wage deterioration as industries become saturated with foreign-born workers raises questions about the extent to which foreign workers displace native workers, and whether legal status is responsible for the growing wage disparities between native and foreign-born workers in immigrant-dominated industries that require few skills.

Beyond matching “willing workers” to available jobs—something the labor market already does, albeit imperfectly—viable guest-worker proposals must ensure that temporary legal status becomes a full-fledged labor standard, protecting workers' wages, benefits, and safety. Transferring authority for the oversight of a guest-worker program to the Labor Department, along with enhanced clout to enforce labor standards, will surely go a long way toward avoiding a repeat performance of failed employer sanctions. (Whether temporary status itself will contribute to wage disparities by preventing guest workers from accumulating job-specific experience requires further investigation.)

Finally, a dose of realism about the short- and medium-term social implications of guest-worker programs will help prevent social cleavages of the sort currently manifested in many new locales where immigrants have settled. Although many suburbanites welcome the new immigrants as hardworking people, in other places they have experienced a backlash, often triggered by the specter of day laborers congregating on street corners anxious for a chance to work. Unskilled foreign-born workers—whether temporary guests or permanent residents—do not disappear after working hours. They need education, English-language instruction, and health care. Any guest-worker program devoid of social guarantees and legal protections for workers and their families is no better than the current arrangement that allows vulnerable immigrant labor to be exploited. **TAP**

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From Immigrant to Citizen

Most still want to become Americans. Unlike in past eras, though, our government is doing far too little to integrate them into U.S. society.

BY JANET MURGUIA AND CECILIA MUÑOZ

PERHAPS THE MOST EXTRAORDINARY THING ABOUT the integration of immigrants in this nation of immigrants is just how much it is being done by the immigrants themselves, with a minimum of effort by government or society at large. Despite widespread hand-wringing that today's immigrants are not learning English or becoming "like us" as they used to, the traditional indicators—English-language acquisition, workforce participation, homeownership, military service, civic participation, and intermarriage—make it clear that immigrants continue to do what they have always done: become Americans relatively quickly. We're getting an enormous return on a tiny investment.

This pattern contrasts radically with the immigration wave of a century ago, when government and private philanthropy—through civics education, English-language outreach, and what was termed "Americanization"—smoothed the path to citizenship and full participation in U.S. society. Ironically, those who worry most about assimilating the current wave of immigrants are doing the least to foster their integration.

The biggest worry focuses on English-language acquisition. Despite the common perception that our immigrant grandparents and great-grandparents adopted the language without much trouble and without any help, most groups followed a three-generation pattern, in which the immigrant adults learned enough English to get by, their children were bilingual with English as the dominant language, and their grandchildren, largely, spoke English only. As for today's immigrants, the vast majority of whom are Latino and Asian, there appears to be no cause for worry. According to the 2000 census, of the people who report speaking Spanish at home, 72 percent also report speaking English "well" or "very well." This proportion for speakers of Asian languages is more than 77 percent. The research on the second and third generations consistently shows adherence to the three-generation pattern. For example, a recent report on language assimilation by the Lewis Mumford Center for Comparative Urban and Regional Research in Albany, New York, found that the second generation is largely bilingual; 92 percent of the Hispanics speak English "well," as do 96 percent of the Asians, though most also

speak another language at home. The third generation generally speaks English only.

Despite this success, the integration of immigrants would benefit enormously from an infusion of resources. Among the unmet needs of immigrants are more English as a Second Language (ESL) programs. According to the Center for Adult English Language Acquisition, almost half of the 1.2 million adults in federally funded adult education programs are there to learn English. Waiting lists for class slots are often so long that some immigrants wait months or years before getting a space. Studies by the National Center for Education Statistics suggest a pool of 3 million or more adults who are interested in ESL classes but not enrolled for a variety of reasons, including the fact that the classes are oversubscribed.

Immigrant communities and their co-ethnics are attempting to fill the ESL class gap; out of more than 300 affiliates of the National Council of La Raza, more than half provide ESL classes to adults, most without public funding of any kind. This pattern is repeated across ethnic groups, church organizations, and other nonprofits, which largely attempt to meet the need with donated classroom space, volunteer teachers, and whatever curricula they can find on the Internet. Essentially, a large part of the national effort to provide English-language instruction for immigrant adults is being carried out with the educational equivalent of duct tape and string.

But English alone will not be enough to help today's immigrants integrate into American society. While America of the 19th century needed physically able immigrants, economic advancement today now requires an education. The ability of adult-education programs to go beyond basic English skills for immigrant adults, and a successful public-education system for their children, is essential for the full economic integration of today's immigrants. Similarly, we all have a stake in the extent to which immigrants—who are overrepresented among those who don't have bank accounts—develop financial literacy and the wherewithal to amass savings for their children's education or their own retirement. Recently arrived immigrants also are often working in jobs that don't provide health insurance, and are categorically in-

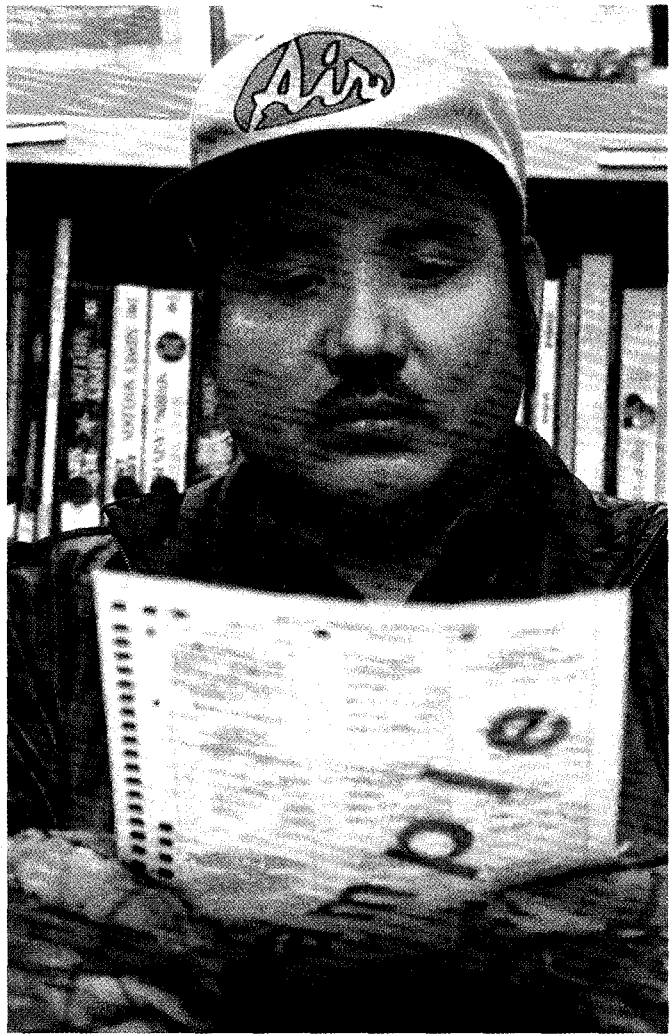
eligible for government-funded programs that can provide vital preventive care, health education, and other services important to the broader public health. Even the recent crises in the Gulf Coast have highlighted the failure of federal and local governments to communicate about the need to evacuate in languages that all residents could understand; neither the public nor most private relief efforts managed to communicate with all of those affected. You get the idea.

Finally, we need to find a way to help eligible immigrants to naturalize. The United States does nothing at all to encourage or assist immigrants in taking this final step. There is no notification when an immigrant or refugee becomes eligible to naturalize, and the process is a confusing, lengthy, and expensive quagmire. The waiting period for a naturalization petition to be adjudicated is rarely less than six months, and in many parts of the country often exceeds one or even two years. At \$320, not including fingerprinting and other costs, the fee is very high compared with any other government processes, like obtaining passports or driver's licenses, both of which involve much more expensive, security-conscious documents. The new agency administering the process, the bureau of Citizenship and Immigration Services in the Department of Homeland Security, has yet to improve upon the reputation of the former Immigration and Naturalization Service for lost files, delays, and other bureaucratic red tape. We'd be well served by changing the system, particularly because those who naturalize have a higher propensity to participate in the political process. In fact, Americans by choice are more likely to vote than Americans by birth.

UNFORTUNATELY, THERE IS PLENTY OF TALK TODAY about how to keep immigrants out, but hardly any of what to do for those who come in. The absence of anything resembling a public strategy to maximize the speed and depth of their integration is extraordinary. Think about the major policy debates of the last decade, from health care to the No Child Left Behind education reforms and the Social Security debate, all arguably opportunities to incorporate elements of a broader immigrant-integration strategy in which the discussion simply never happened.

In conservative circles, the discussion is largely focused on cultural issues and fears that assimilation is not taking place. Many dedicate their firepower to the subject of bilingual education, which is intended to support immigrant students in their efforts to move forward in subjects like math and science while they learn English; detractors like to mischaracterize it as a nationalistic effort by organizations like ours to preserve Spanish at all costs. As contentious as this debate is, it is focused on a tiny program. In the meantime, fully two-thirds of immigrant students who need to learn English have no access to programs of any kind to help them do so. Surely we can do better for these students than an endless ideological debate about eliminating bilingual programs.

But at least conservatives are talking about *something*. The progressive movement, which once did so much to facilitate the process by which immigrants become Americans, is largely ab-



The Road to Citizenship?: Paved with complications

sent from the discussion. Except for ethnic organizations that directly work with immigrant constituencies, progressives tend to say the right things about immigrants and their co-ethnics without really making them a presence in their policy agendas, philanthropic strategies, or institutions.

This is in stark contrast to the progressive movement of 100 years ago, when multiple sectors of American society made extraordinary investments in the integration process, undertaking major reforms on a scale that is almost unimaginable today. These investments, which were aimed directly at immigrant integration, created at least two major American institutions: the public schools and the adult-education system. Similarly, philanthropy of the late-19th and early-20th centuries focused substantial investment in the assimilation of new immigrants, including the expansive settlement-house movement and the creation of the modern public-library system by industrialist-turned-philanthropist Andrew Carnegie. Other innovations were a little more indirect: By telling the story of immigrant living conditions in *How the Other Half Lives*, Jacob Riis inspired significant tenement reforms; 16 years later, Upton Sinclair wrote *The Jungle*, a fictional but authentic accounting of the immigrant experience in the meatpacking industry that horrified

the nation and led to the enactment of major labor laws. Indeed, the history of the labor movement in the United States is deeply intertwined with our immigrant history, as is the development of major political machines in major cities. Say what you will about Tammany Hall, it encouraged citizenship and voting by giving immigrants a direct stake in the electoral process.

By contrast, immigrants and the impact of immigration rarely appear in much of the current progressive debate on social issues. The big exception to this may be some parts of the labor movement. It is no accident that, for the most part, the only unions that are growing are the ones organizing in industries populated by immigrant workers. These unions, especially the Service Employees International Union and the newly merged UNITE HERE (representing the hotel, restaurant, and garment industries), led an effort that reversed the AFL-CIO's traditionally restrictionist posture and allied it with the immigrant-rights movement. But the labor movement as a whole is still deeply ambivalent about the presence of immigrants in

Say what you will about Tammany Hall. Big-city machines encouraged citizenship and voting by giving immigrants a direct stake in the electoral process. Today, unions and self-help groups are doing the heavy lifting.

the workforce and the country, which may contribute to the broader progressive movement's silence on immigrant issues, including integration.

Similarly, few if any of the major voices on education policy have anything to say about the students who are either immigrants themselves or the children of immigrants still learning English (English Language Learners, or ELLs). Despite the fact that ELLs now constitute more than 10 percent of students in our schools, and more than twice that proportion in key urban areas, the public-education system is largely unresponsive, and the gap in educational outcomes between these students and their peers is not narrowing.

And these gaps are stubborn. Many a suburban school continues to be labeled "in need of improvement" because of the struggles of its ELL students (along with special-needs students). This has led to a vigorous debate about the fairness of the tests for students whose native language is not English. In some cases the discussion focuses on testing students in a language they understand in order to measure what they know (it's hard to know their capacity in math if they can't get past the instructions on the test). This discussion is inevitably controversial because it bumps up against the familiar suspicion that those seeking these assessments are really anti-English ideologues. The alternative, which is raised distressingly often, is to exempt ELL students from assessments altogether, which relieves the immediate pressure on schools and teachers but also dismantles the entire accountability structure for educating this group of students. For schools under enormous pressure

from all sides, it's difficult to imagine that such a scenario would result in better outcomes for immigrant youth.

Efforts to expand the number and quality of programs to teach English language and literacy to adults are also limited to a few lonely voices in the wilderness. The notable exceptions are innovative state-level ESL and naturalization initiatives in Illinois and New York, the product of savvy and effective advocacy campaigns by immigrant coalitions. These initiatives are notable in that they are so rare. Federal resources for adult ESL education expanded briefly during the Clinton administration, but have either remained stagnant or declined ever since.

Aside from persistent advocacy from within the immigrant-rights movement itself, improvements in the naturalization process are also absent from the progressive agenda, though it must be said that when then-Vice President Al Gore proposed to facilitate the naturalization of immigrants, he was pilloried for supposedly politicizing the process. (By drafting an internal memorandum suggesting ways to streamline

a badly backlogged naturalization process, the vice president became the subject of congressional inquiry and a media firestorm focused on the notion that he was "cheapening" the process in order to crank out voters who would likely cast ballots for him in 2000.) But when Republicans have taken steps to make naturalization more difficult by

increasing fees, revamping the naturalization exam, and other measures, the left has been silent. The generous explanation for this silence is the fear of the kind of political reprisals faced by Gore; the more likely explanation is indifference.

Indeed, Republicans are outsmarting progressives, particularly when it comes to reaching the intrepid immigrants who have survived the naturalization process, airing campaign ads in Spanish as well as English and courting votes. This is a new phenomenon, road tested in the most recent presidential election, and right now it is more style than substance. Nonetheless, the portion of the Republican Party that is not engaged in immigrant-bashing is poised to make a serious investment in moving immigrant voters into its ranks.

The progressive movement should take note. This political transformation is not inevitable, but it is indeed possible, and it is one area of integration in which a serious investment is being made. Progressives, however, have been largely missing in action on this front, assuming that Latino and Asian immigrants and their co-ethnics are part of the "base." There are plenty of other good reasons to invest in immigrant integration; perhaps this is the one that will shake the left out of its complacency. **TAP**

Janet Murguía is the president and CEO of the National Council of La Raza, the nation's largest Latino civil-rights and advocacy organization. Cecilia Muñoz, the vice president of the council's Office of Research, Advocacy, and Legislation, contributed to this article.

With God on His Side

Meet Rod Parsley: rising star of the religious right, GOP ally—and subject of lawsuits over his church governance and secretive fund-raising practices.

BY SARAH POSNER

WHEN ZELL MILLER TOOK THE STAGE AT ONE of Ohio's largest "megachurches" last August, there was no talk of spitballs or duels, but there was plenty of rhetoric about soldiers and war. As the featured speaker at both a regular Sunday-evening church service and a political rally for about 1,300 pastors the following morning, the former Georgia senator wasn't talking about gun-toting soldiers bringing democracy to the Middle East. Instead, to the delight of thousands of congregants at the World Harvest Church in Columbus, Miller spoke of Bible-toting Christian soldiers bringing theocracy to America.

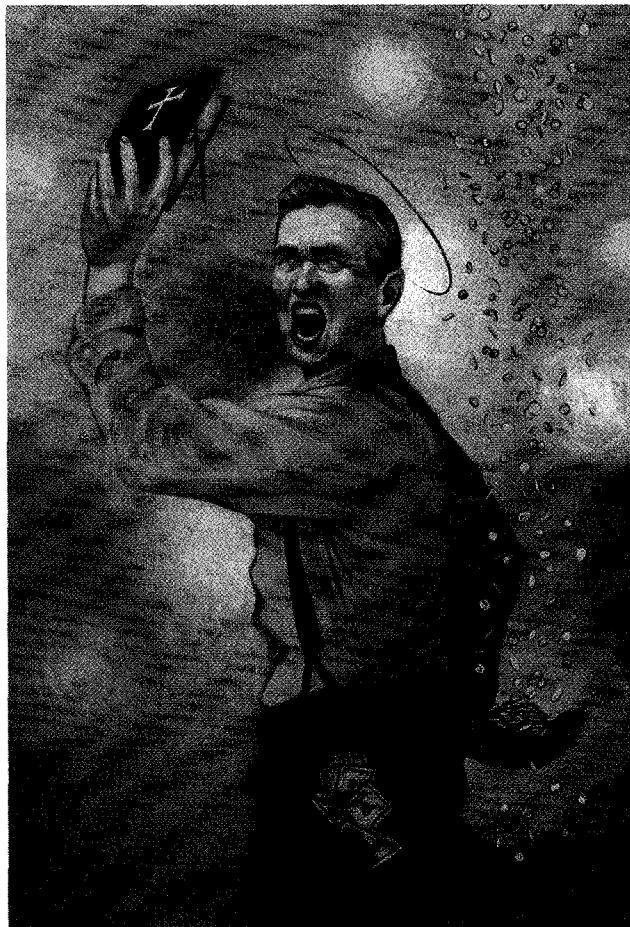
The apostate Democrat came to Ohio as the special guest of televangelist Rod Parsley, a rising star of the Christian right who was lifted from political obscurity onto the national stage for his role in mobilizing voters in favor of his state's gay-marriage ban last year. Parsley, a Bible-college dropout who claims to have begun his evangelical career in his parents' backyard by preaching to a tiny congregation nearly 20 years ago, now boasts a 12,000-member church with affiliated schools offering education from preschool through college; a daily television program, *Breakthrough*, seen on the Trinity Broadcasting Network (TBN) and other fundamentalist-Christian television outlets; a 2,000-member fellowship of affiliated churches; and a political organization, the Orwellian-

sounding Center for Moral Clarity. But Parsley, who is hailed by the theocratic Christian right as a model of virtue and a representative of "values voters," has been questioned by congregants and even his own family about his church governance and secretive fund-raising practices.

"Probably President Bush would not be in office today had it not been for him," said Bishop Harry Jackson, a black pastor from the Washington, D.C., suburbs and a fellow rising star in the religious right. A registered Democrat who said that he and Parsley share the same theological and political viewpoint, Jackson

runs the High Impact Leadership Coalition, which promotes its "Black Contract With America on Moral Values." That effort has led Jackson into alliance with the Arlington Group, a coalition of the Christian-right political elite with which Parsley is also affiliated. According to Jackson, Parsley's style of preaching is "very, very user-friendly to African Americans," which may explain why the white pastor has a congregation that is 40-percent black. Jackson also maintained that Parsley's work with Ohio Secretary of State J. Kenneth Blackwell, as a "black and white team" campaigning for the gay-marriage ban in churches across Ohio, created the "ricochet effect" of bringing out voters for George W. Bush in 2004.

Jackson was careful to point out that Parsley did not explicitly campaign for Bush, which would have jeopardized his church's tax-exempt status. But that was



DAVID M. BRINLEY

something Parsley clearly wanted to do in light of his \$2,000 contribution to the Bush-Cheney campaign and his outspoken contempt for the Internal Revenue Service rules that prohibit clergy from endorsing candidates. His tag-team campaign for the gay-marriage ban with Blackwell—who was not only the state co-chair of the Bush-Cheney re-election effort but also supervised the election as secretary of state—certainly provided support to Bush. Now, through campaign contributions and joint public appearances, Parsley is supporting Blackwell's bid to become the Republican gubernatorial nominee in 2006.

Although Parsley has barely stopped short of explicitly endorsing Blackwell, he insists that party affiliation doesn't matter, and that he supports anyone, Republican or Democrat, who shares his view that the Bible offers the ultimate word on morality. Portraying himself as nonpartisan, and even as a Christ-like savior of the less fortunate, he claims (borrowing from Miller) that he is neither a Democrat nor a Republican but a "Christocrat."

After Ohio's decisive role in last year's election—when Bush almost doubled his share of the black vote over his showing in 2000—the nation's theocratic Christian elite sat up and took no-

ately reached out to young people. His purpose was plain when he announced the planned formation of a new nonprofit organization, Reformation Ohio, in August. Reformation Ohio's goals include, among other things, registering 400,000 new voters through its member churches and preaching to 1 million Ohioans over the next four years in an effort to convert 100,000. Many of these sought-after converts will be teenagers, through a \$10 million campaign by Youth With a Mission, a nonprofit group that aggressively evangelizes through extreme sports, Christian rock concerts, dance, and performance art.

Owing to the breadth of his appeal (black, white, young, old) Parsley has been embraced by the GOP leadership and the right-wing punditocracy as a representative of "moral values"—from Senate Majority Leader Bill Frist (who had Parsley and Jackson at his side when he hosted a news conference in support of the judicial nomination of Janice Rogers Brown), to Texas Governor Rick Perry (who had Parsley, along with Perkins and American Family Association President Don Wildmon, on hand when he hosted his controversial Sunday bill-signing ceremony at a Christian school, where Parsley called gay sex "a veritable breeding ground of disease"), to Ann Coulter (who helped him launch his book tour), to National Association of Evangelicals President Ted Haggard (who has called Parsley "a bold, dynamic man of faith who's committed to doing the right thing no matter what"), to Bush himself (who included Parsley on a conference call to religious leaders shortly after the announcement of John Roberts' nomination to the Supreme Court).

Representative Walter Jones, the North Carolina Republican best known for demanding "freedom fries" in the House cafeteria, said that Parsley is a "true servant of my Lord and Savior" who "felt a calling to be more active and visible" in politics and is now becoming a national figure. Jones is the sponsor of the Houses of Worship Free Speech Restoration Act, a bill Parsley supports because it would lift the IRS restriction on electioneering from the pulpit. In the past year, Jones said, Parsley has become more visible to legislators, though Jones declined to identify other members of Congress associated with him. One prominent politician who has publicly done so, however, is Kansas Senator Sam Brownback, who is considering a 2008 presidential bid (and refused a request to be interviewed for this article).

IN HIS CHURCH, PARSLEY CLAIMS TO BE FOMENTING REVOLUTION at God's direction. This revolution—theocratic in character, of course—is portrayed by Parsley as a battle between the beleaguered, persecuted Christian and a secular culture that has devolved into chaos. Parsley, a man by turns bellicose, ingratiating, and kitschy, has placed his cult of personality front and center in the "culture war"—a label that suits his depiction of an apocalyptic showdown between good and evil. Whether he is discussing the distinction between Christian and Muslim ("I do not believe our country can truly fulfill its divine purpose until we understand our historical conflict with Islam"), straight and gay ("the pressure on society to accept the audacious

***Parsley has been embraced by the GOP leadership
and the right-wing punditocracy—from Bill Frist
to Texas Governor Rick Perry to Ann Coulter.***

tice of Parsley. According to Jackson, Parsley was among about a dozen ministers—and one of only a handful of whites—invited by Focus on the Family leader James Dobson to an exclusive December 2004 meeting to discuss the divide between white and black evangelical churches. The most well-known public faces of the Christian right, said Jackson, such as Jerry Falwell, Pat Robertson, and Dobson himself, appeal primarily to white evangelicals. Among Christians, Jackson added, Parsley is "certainly on his way to having the appeal" that these figures have, but Parsley also has the ability to "break the mold" because of his appeal to blacks. Jackson also noted that since the December meeting, Parsley has become "very, very instrumental" in developing a new alliance between black and white evangelical Christians.

At 48, Parsley's relative youth qualifies him to follow in the steps of the septuagenarian leadership that rose to prominence in the 1970s and '80s, and he is positioned, supporters say, for a ranking position among the next generation of political evangelicals. Miller describes Parsley as "one of the giants that's coming along." The new evangelical generation is epitomized by the come-as-you-are megachurch, where parishioners can show up dressed in anything from jeans and a T-shirt to a well-tailored suit, and where staid hymnals are tossed aside in favor of upbeat praise songs set to blaring rock music. This style blurs the line between evangelicals and Pentecostals—also known as "charismatics"—like Parsley, whose services are boisterous and sweaty, and would look to outsiders more like a pep rally than a worship service. Capitalizing on this appeal, Parsley has deliber-

behaviors and disastrous consequences of homosexual activity is not a matter of cultural drift or shifting mores; it is a highly orchestrated, highly organized, and extremely disciplined political program”, or atheist and theocrat (the media has engaged in a “high-tech persecution of my faith”), Parsley sees battle lines drawn clearly. And he is the arbiter of what’s right and wrong because, as he is unafraid to say, God told him so. In a May broadcast of TBN’s *Praise the Lord* television program, Tony Perkins, a prominent leader of the theocratic elite, introduced Parsley to the audience as one of the “new generals” of a Christian army bringing a revival “in every realm of life” to fruition.

Parsley lards his preaching and writing with references to his divinely inspired leadership and his “anointing” by God. He exhorts parishioners that God “has not only called us to war but empowered us to win.” In promoting his book *Silent No More*, Parsley never tires of talking about the inspiration provided by Holocaust survivor Elie Wiesel’s statement that he would never again be silent in the face of human suffering. He calls for a “moral revolution” like the one staged by Martin Luther King Jr., which will, he predicts, give rise to a “Third Great Awakening.” Whether it’s Wiesel or King, Parsley’s intention to equate himself with iconic figures engaged in humanity’s great moral struggles is unmistakable.

Parsley even sees his location in Ohio as divinely ordained. In April, he told Focus on the Family’s *Citizen Link* magazine, “Ohio is a hotbed. I believe very much in the geographic locating abilities of the Holy Spirit.” In August, he went so far as to tell his audience of 1,300 pastors that the country’s focus on Ohio’s pivotal role in 2004 was no coincidence. “God geographically located you,” he told them, encouraging them to believe that “you are a major candidate for a role in this revolution.”

Jackson explains that his friend Parsley is preaching a “message of hope and encouragement.” But while Parsley often denounces the income disparity between blacks and whites, he was unable, in response to written questions submitted to his press agent, to identify a single policy initiative that would directly address the problem. (Despite his oft-repeated promise to be “silent no more,” Parsley refused to be interviewed for this article.) Parroting right-wing Republican orthodoxy, he replied: “I’m convinced the best thing government can do to help the poor is to get out of the way. If government reduced taxes, removed industrial restraints, eliminated wage controls, and abolished subsidies, tariff[s], and other constraints on free enterprise, the poor would be helped in a way that [Aid to Families With Dependent Children], Social Security, and unemployment insurance could never match.”

EXACTLY HOW PARSELY PURPORTS TO “HELP” THE POOR, both black and white, is evident in his practice of Word of Faith theology, also known as the “prosperity gospel.” Word of Faith is a nondenominational religious movement with no official church hierarchy or ordination procedures, which emphasizes the absolute prophetic authority of pastors, the imperative to make tithes and offerings to the church, and the power of an individual’s spoken word to lay claim to their spiritual and material desires. Purveyors of Word of Faith, like Pars-

ley, teach their flock to “sow a seed” by donating money to the church, promising a “hundredfold” return. Word of Faith has been popularized, in large part, by the immense growth of TBN—a nonprofit entity with a 24-7 lineup of regular evangelists and faith healers, including Parsley, assets of more than \$600 million, and annual revenues approaching \$200 million, making it the closest competitor to Pat Robertson’s Christian Broadcasting Network.

The most prominent critics of Word of Faith are Christians who consider it a heretical distortion of the Bible. According to these critics, Word of Faith preachers prey on people of modest means, promising prosperity in return for putting money in the pocket of a self-anointed prophet. Ole Anthony, president of the Dallas-based Trinity Foundation and a leading Word of Faith critic, regards the emphasis on financial abundance as evidence of God’s blessing as “the oldest heresy in the church.” He describes Parsley as a “power-hungry” man, living “an extravagant lifestyle that has become the hallmark of televangelists these days.” With his wife and children, Parsley resides in a 7,500-square-foot house valued at more than \$1 million.

Word of Faith ministries like Parsley’s operate in secret. Without transparency, the extent of their fund raising and how they spend the proceeds are unknown. In his responses to my written questions, Parsley said that his church has never applied for membership in the Evangelical Council for Financial Accountability, a voluntary-membership organization of nearly 1,200 evangelical groups that requires, among other things, public disclosure of audited financial statements and reports, including financial information about specific projects for which a ministry is soliciting gifts. Parsley claimed that World Harvest conducts an annual independent audit “through the scrutiny of the board of directors,” which consists of himself and his parents. (Council standards also prohibit insiders from maintaining exclusive control of church governance.) He does not make that “audit” available to the public, however, nor does he provide documentation of how money he says he raises for humanitarian projects is spent.

Parsley’s secrecy has led Ministry Watch, a conservative Christian organization that monitors financial accountability practices, to give his and several other well-known Word of Faith organizations an “F” rating for transparency. World Harvest, through its press agent, claimed that its resistance to disclosure “is consistent with the policy of most churches across the country.” But Rod Pitzer, Ministry Watch’s director of research, said that World Harvest’s lack of transparency is “very unusual” and that the “vast majority” of Christian organizations are becoming more transparent.

Pitzer also said that Word of Faith theology is “self-serving,” “harmful to other people,” and “not orthodox.” In fund-raising appeals, for example, Parsley has urged people to burn their bills and donate to him to free themselves from debt. Through his Web site and television program, Parsley sells “covenant swords” and “prayer cloths”—kitsch objects that he claims will bring the purchaser miraculous freedom from financial problems as well as any physical or emotional ailments. He has written that “one of the first reasons for poverty is a lack of knowledge of God and His Word,” and that “the Bible says that to withhold the tithe is

to rob God.” He pressures his congregants to tithe 10 percent of their gross income, in addition to offerings, which are aggressively sought two or three times during each service. Yet not even donors can learn precisely where their money goes.

The Word of Faith movement experienced explosive growth in the 1980s, particularly among African Americans. That growth, argues sociologist Milmon F. Harrison in *Righteous Riches: The Word of Faith Movement in Contemporary African American Religion*, is attributable to Reaganite economic policies, the increasing divide between rich and poor, and the gap between the reality of people’s economic lives and the prosperity depicted on popular television shows and in movies. The University of California professor says that the Word of Faith message offers parishioners hope—however tenuous—that they, too, could prosper.

Not surprisingly, Republican strategists have taken note of Word of Faith’s appeal to potential voters. When Republican National Committee Chairman Ken Mehlman announced the formation of an African-American Advisory Committee earlier this year, two of its 20 members were promoters of Word of

and worked with Allison in the 1980s described the church as one that “used people beyond belief.” Simmons’ arrangement, said the former congregant, “couldn’t happen without a crooked attorney,” because having an attorney involved gave the operation the appearance of propriety. This person, who asked not to be identified by name, said that with the help of Dale Allison and Samuel Brockway, a Lawrenceville businessman who served on the church’s board, Simmons created a church structure that demanded unquestioning obedience. The trio convinced the congregation—mostly people who were poor or of very modest means—that Simmons was a prophet of God. The pastor and his inner circle aggressively solicited money, defrauded people by hiding assets in corporations set up using fictitious names for officers, and broke up marriages. “If you went against the prophet,” said the former congregant, “you would incur the wrath of God,” a threat that caused “hurt and havoc” in people’s lives.

The former congregant also recalled Allison working with pastors in Ohio, but did not have specific knowledge of Allison’s work with Parsley. The template corporate bylaws for churches created by Allison “gave the pastor vast dictatorial powers” over

his parishioners. According to excerpts of World Harvest’s bylaws made part of the public record in a lawsuit filed against Parsley in the 1990s, “the government of the Church is in the hands of the Pastor, who has ultimate authority under Christ”; “the church must function as a theocracy”; a democracy “is not God’s way”; and “the purpose of the Church is not to do the will of

***Parsley’s church started to grow when he brought
in attorney Dale Allison—who used to tell churches
“how to protect God’s money from the government.”***

Faith: Bishop Keith Butler, pastor to a Southfield, Michigan, megachurch and a Republican candidate for U.S. Senate (whose bid is supported by Parsley) and the Reverend Joe Watkins, a former staffer in the first Bush White House and occasional *Crossfire* guest who has also appeared on *Praise The Lord*. (Blackwell serves on Mehlman’s committee, too.) While such evangelists are nothing new, the Republican Party’s exploitation of their audience in the name of “moral values” typifies the crass opportunism of the alliance between the GOP and the theocratic right.

PERHAPS COINCIDENTALLY, PARSLEY’S CHURCH STARTED to grow when he engaged the services of a Lawrenceville, Georgia, attorney named Dale Allison. According to Ole Anthony, Allison was one of several people traveling around the country in the 1980s and ’90s showing churches “how to protect God’s money from the government.” Allison is described by sources in Georgia and in court records as a brazen con man who helped pastors set up dictatorial churches, through which they enriched themselves by convincing followers that God required them to give their money to the pastor. In 1997, Allison was disbarred for orchestrating a complex web of bogus financial transactions with another preacher he represented, Calvin Simmons, some of which were designed to defraud Simmons’ parishioners. These transactions included an effort to hide Simmons’ assets from a group of creditors and church members that had obtained a court judgment against Simmons.

A person who was both a member of Simmons’ congregation

and the majority, but the will of God.”

While other former Simmons congregants could not be located or did not return phone calls, court records in Georgia reflect legal problems both Allison and Simmons faced as a result of their activities. A sworn affidavit in one case brought by a former church member, who was proceeding without a lawyer, described Simmons, Brockway, and Allison as “the religious con-artist triad” of Simmons’ church, and accused them of tax and bankruptcy fraud, deceptive fund-raising tactics, and brainwashing. They “financially exploited” members of the church, promising them “deliverance of [sic] their financial problems, healing, and an undefined present utopia,” but instead used donations to buy themselves luxurious homes, rental properties, and luxury cars. (The case was eventually dismissed because the plaintiff did not plead legally recognized causes of action.) According to the affidavit, Simmons taught that it is more important to tithe and make offerings than to pay bills, and that poverty is caused by stealing God’s money, which means failing to tithe and make offerings.

In an interview, Allison denied the allegations of “disgruntled” former church members, and Brockway called them “foolishness.” (Simmons did not return a phone call seeking comment.) Allison nonetheless maintained that church members have no right to question how their tithes and offerings are used, insisting that there is no biblical or legal requirement for a church to disclose an audited financial statement. While Allison claimed that he did not do the same type of business work for Parsley as he

did for Simmons, he did contend that “when you look at the Bible and see how God set up a structure” for compensation, “you’d expect the pastor to be the highest-paid person around.”

Public records show that Parsley engaged Allison’s services from 1987 at least through 1994. Those services included filing corporate papers with the state of Ohio, assisting in litigation, and sitting on the church’s compensation committee. In our e-mail exchange through Parsley’s press agent, I asked 15 detailed questions about Allison, including what Parsley knew about Allison’s malfeasance and when he knew it. In response to each query, Parsley answered, “We have not utilized Mr. Allison’s services in a decade and have no information regarding his personal or professional circumstances.” That reply evaded the essential question of whether Parsley knew that Allison, although not disbarred until 1997, was engaging in fraudulent schemes in Georgia, and, if he did, why he employed Allison at least through 1994.

Among the questions Parsley refused to answer directly was why he continued to use Allison’s services after a 1986 article in *The Columbus Dispatch* reported that Parsley was running a franchise-like, unaccredited Bible college out of his church basement while claiming that the college was accredited by the state of Ohio. When confronted by angry students who discovered that their credits were not transferable, Parsley claimed that he was “very definitely a victim” of the Bible college’s false claims. The *Dispatch* article identified the Bible college’s lawyer as none other than Dale Allison, but Parsley refused to explain why he would continue to employ an attorney whose other client had “victimized” him.

Parsley also refused to say whether he knew in 1987 that Allison had declared bankruptcy, and, if he knew, why he continued to use the lawyer’s services, as Parsley himself has taught that poverty is evidence of a lack of faith in God. Allison’s bankruptcy filings show that he viewed the proceeding as a game; in one, he listed a Lucifer Fallenangel at a P.O. Box 666 as one of his creditors. According to the court order disbarring Allison, in the years preceding his bankruptcy, Allison and Simmons created multiple phony companies, often using fake names, and used these to take out bank loans, incorporate businesses, and orchestrate a phony foreclosure on Allison’s house. A person familiar with Allison’s bankruptcy proceeding described a “vast and complex” scheme to deceive Allison’s clients, some of whom were also members of Simmons’ church, and to hide assets that was “very sordid and very rotten.” But Allison got away with it. In 1992 he was discharged from bankruptcy without any money distributed to his creditors.

Shortly after his bankruptcy discharge, however, the Georgia State Bar opened its investigation of Allison. (He was never admitted to practice law in Ohio.) While the bar’s three-year investigation of Allison was ongoing, according to public documents, Allison filed trade-name registrations for World Harvest with the state of Ohio; filed amended articles of incorporation for the church, which laid out a long list of projects the church was authorized to pursue, along with citations to biblical authority for each one; incorporated several for-profit corporations, one of which was designed to be a “feeder corporation” for World Harvest Church; and served on the church’s compensation com-

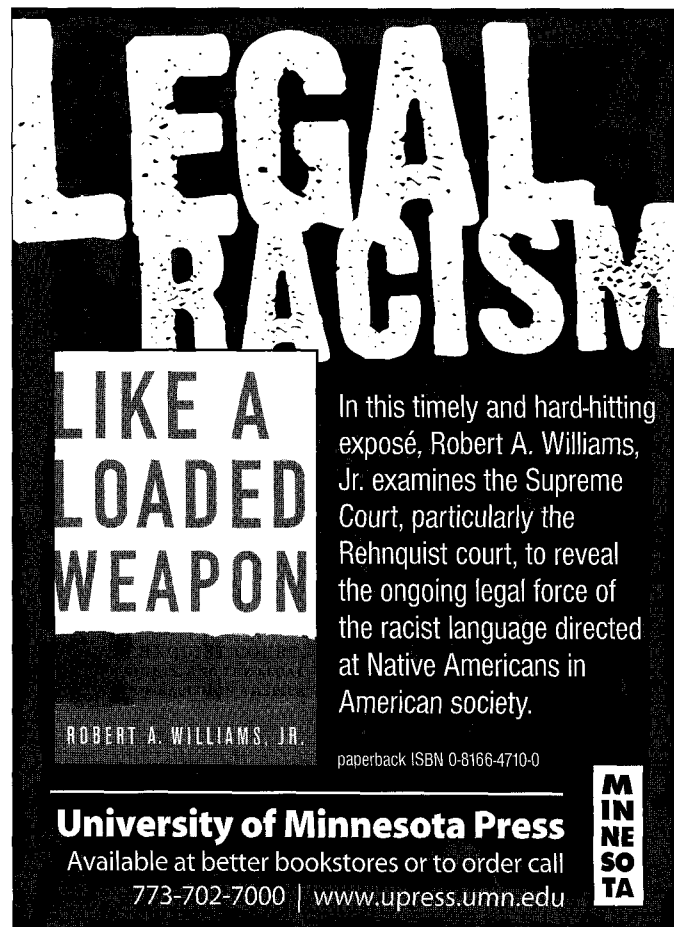
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LEGAL RACISM

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Robert A. Williams, Jr.

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MINNESOTA

mittee, which determined Parsley's salary and benefits. Parsley refused to explain, in his written responses, why he continued to use Allison's services during this time.

No public records of any criminal prosecutions of Allison could be located, although the Georgia Supreme Court clearly found that he had engaged in criminal activity, including using fictitious and forged names on loan applications and state corporate filings. He can no longer practice law in Georgia, but describes himself as "a consultant" through Beyth Anowth Ministries, a federally tax-exempt organization that listed its accomplishments on a recent tax return as visiting churches in Texas, Alabama, Oklahoma, California, Georgia, and Ohio; creating and amending corporate papers and tax-exempt applications for dozens of churches; and consulting with churches and ministries "with various problems in biblical structure, elder-ship difficulties, teaching subjects, disciplinary problems, hiring, and construction." Brockway said that he, Allison, and Simmons are still friends and business associates, but refused to describe their ventures. He described Allison as "a fine person; he's an upstanding fellow, who helps churches reorganize and protect themselves from the IRS" and "helps them with their business operations."

MEANWHILE, RECORDS IN THREE LAWSUITS FILED against Parsley in the 1990s indicate that the autocratic structure of the church shaped his behavior and, in some instances, drove followers—and even his own family members—to the courthouse. All three plaintiffs complained that other church members ostracized them for questioning Parsley, and one plaintiff became the target of a venomous sermon during which Parsley publicly accused him of trying to extort money from the church. All three cases were settled in secret, and the lawyers and parties are prohibited from discussing them publicly.

In one case, filed in late 1992, a painting contractor who also attended World Harvest, Lewis Bungard, alleged that Parsley choked him and that Parsley's father punched him after an argument over money owed him under a contract to paint Parsley's new home, during which Bungard accused the pastor of deceiving his followers. Criminal charges against Parsley were dropped, Bungard claimed, after Parsley's handlers backed up his denial to police that he had assaulted Bungard. Parsley's father pleaded no contest to a reduced charge of disorderly conduct. According to court records, Bungard sued not only to recover the money he was owed under the contract but to establish a court-supervised trust to ensure that money Parsley had solicited to build a home for unwed mothers and a retirement home was used for those purposes. Bungard and his wife testified that based on Parsley's representations, they had donated about \$7,000, sometimes in cash or by check. Because the case settled in secret, it is not publicly known whether such a trust was ever created.

Around the same time that Bungard filed his lawsuit, Parsley's aunt Naomil Endicott (his mother's sister) accused his father (her own brother-in-law) of sexually harassing her while she was working at the church. When she filed her lawsuit, the church issued a press release that accused her of being a "disgruntled" family member who had engaged in a "pattern of ma-

nipulation ... to obtain monies from the family and the church." That case settled in secret, too, after Endicott produced a tape recording she said proved the elder Parsley's harassment.

In court papers, Endicott described an environment hostile to anyone questioning "self-serving, unethical, or inappropriate behavior" by Parsley and his parents. She also claimed that she was not paid for overtime work, and that Allison counseled her to execute tax forms to elect to be exempted from Social Security coverage, which saved the cost of the church's FICA contribution. He did not explain that these decisions would reduce her Social Security retirement benefits. "These were presented as forms necessary to take advantage of a tax benefit for employees of nonprofit corporations," she charged. In response to my question about whether Allison had counseled World Harvest employees to execute such forms, Parsley replied only that the church "makes all appropriate filings in accordance with all legal requirements." Allison maintained that Endicott was a "minister" and therefore could opt out of Social Security benefits, but that he never forced anyone to waive that right.

Parsley's cousin Dwayne Endicott sued Parsley in 1995, claiming that he was forced out of his job as a maintenance worker at the church after Parsley discovered that he had complained to a friend about the lack of overtime pay. In a sworn affidavit, Endicott testified that Parsley "yelled, screamed, and berated me for almost 10 minutes, stating that I was causing dissension and discord in the church." Parsley told him that he was "in rebellion against the church and against God and that I should 'stop lying and be a man.'" Endicott claimed that he was later called in for a staff meeting with Lester Sumrall—an Indiana evangelist Parsley credits as his mentor—who "stated the [sic] we should be careful what we say about 'God's anointed persons,'" meaning Parsley.

The notion that Parsley himself might actually be divinely anointed—and thus someone to whom congregants owe utter obedience—is an unmistakable part of the marketing strategy at World Harvest. During the musical prelude to a recent service, as the Stepford-like "Praise Team" sang "holy, holy is our God Almighty, holy is His name alone," the cameraman, whose work was projected onto a half-dozen large-screen televisions flanking the stage, panned away from the singers to a close-up of Parsley.

Moments later, when church elder Bill Canfield came onstage to deliver a stern lecture about a biblical passage on obedience, hands all around me reflexively reached for the offering envelopes stacked on the backs of the pews. Canfield had not even uttered the words "money" or "offering" yet, but sure enough, he went on to say, "If you want to be obedient to God, I want you to take out a seed right now ... If you sow a seed in obedience to God, he will work in supernatural ways to multiply your seed." After the offering buckets had been collected, Parsley took the stage, and in his typical call-and-response style, urged the audience to "praise the Lord." When they didn't respond enthusiastically enough, Parsley grumbled angrily into his microphone: "It's not a suggestion. It's a command." **TAP**

Sarah Posner is a freelance writer and a contributor to The Gadflyer blog.

The Incompetence Dodge

The liberal hawks now say the idea of the war wasn't bad, just its execution. This saves face—and serves a more dangerous function.

BY SAM ROSENFELD AND MATTHEW YGLESIAS

VICTORY, AS JOHN F. KENNEDY OBSERVED, HAS A thousand fathers, while defeat is an orphan. Abandoning the orphan that is the Iraq War has clearly been a protracted, painful process for the liberal hawks, those intellectuals and pundits so celebrated back in 2003 for their courage in coming forward to smash liberal expectations and support the war. Long criticized by fellow liberals for failing, amid much hand-wringing and navel-gazing, to express clear regret over their original support for the war, these hawks have started to become a bit more vocal about their second thoughts.

The nature of their regret, however, is noteworthy—and has tremendous significance for the debate over U.S. foreign policy after Iraq. Most liberal hawks are willing to admit only that they made a mistake in trusting the president and his team to administer the invasion and occupation competently. An August 29 *New York Observer* article featured a litany of semi-chastened hawks articulating this sentiment. “Someone wrote that you knew who the surgeon would be, so you knew what the operation would look like,” said George Packer, *New Yorker* writer and author of the new book *The Assassin’s Gate*. “And there’s some truth to that. I was not as aware as I should have been of just how mendacious and incompetent the surgeon was going to be.” *The New Republic*’s Leon Wieseltier added, “I think that it is impossible, even for someone who supported the war, or especially for someone who did, not to feel very bitter about the way it has been conducted and the way it has been explained.”

The corollary of these complaints is that the invasion and occupation could have been successful had they been planned and administered by different people. This position may have its own internal logical coherence, but in the real world, it’s wrong. Though defending the competence of the Bush administration is a fool’s endeavor, administrative bungling is simply not the root source of America’s failure in Iraq. The alternative scenarios liberal hawks retrospectively envision for a successful administration of the war reflect blithe assumptions—about the capabilities of the U.S. military and the prospects for nation building in polities wracked by civil conflict—that would be shattered by a few minutes of Googling.

The incompetence critique is, in short, a dodge—a way for liberal hawks to acknowledge the obviously grim reality of the war without rethinking any of the premises that led them to support it in the first place. In part, the dodge helps protect its exponents from personal embarrassment. But it also serves a more important, and dangerous, function: Liberal hawks see themselves as defenders of the legitimacy of humanitarian intervention—such as the Clinton-era military campaigns in Haiti and the Balkans—and as advocates for the role of idealism and values in foreign policy. The dodgers believe that to reject the idea of the Iraq War is, necessarily, to embrace either isolationism or, even worse in their worldview, realism—the notion, introduced to America by Hans Morgenthau and epitomized (not for the better) by the statecraft of Henry Kissinger, that U.S. foreign policy should concern itself exclusively with the national interest and exclude consideration of human rights and liberal values. Liberal hawk John Lloyd of the *Financial Times* has gone so far as to equate attacks on his support for the war with doing damage to “the idea, and ideal, of freedom itself.”

It sounds alluring. But it’s backward: An honest reckoning with this war’s failure does not threaten the future of liberal interventionism. Instead, it is liberal interventionism’s only hope. By erecting a false dichotomy between support for the current bad war and a Kissingerian amorality, the dodgers run the risk of merely driving ever-larger numbers of liberals into the realist camp. Left-of-center opinion neither will nor should follow a group of people who continue to insist that the march to Baghdad was, in principle, the height of moral policy thinking. If interventionism is to be saved, it must first be saved from the interventionists.

THE SWATH OF CENTER-LEFT POLITICIANS AND THINKERS who supported the Iraq intervention—and who are now in a position to find the incompetence dodge a seductive escape route from honest reckoning—is wide, indeed. It includes leading Democratic politicians—Joe Biden, Hillary Clinton, Joe Lieberman, John Kerry—and former Clinton administration foreign-policy hands, as well as such varied writers and intellectuals as Packer, author Paul Berman, Harvard professor and

New York Times Magazine contributor Michael Ignatieff, op-ed columnists Thomas L. Friedman and Richard Cohen, then-columnist and now *New York Times* Executive Editor Bill Keller, and a gaggle of writers associated with *The New Republic*. The bungled-invasion line is hardly the exclusive provenance of such war supporters. Indeed, some of the leading exponents of the narrative, such as former Coalition Provisional Authority adviser Larry Diamond and James Fallows of *The Atlantic Monthly*, opposed the war from the beginning, and, of course, the incompetence line is politically appealing for liberals. But the dodge's real significance pertains to the future of liberal interventionism after Iraq.

Before the invasion, many liberal hawks grounded their case for war primarily in national-security terms—the need to scrub Iraq free of Saddam Hussein's weapons of mass destruction. As that rationale collapsed, however, George W. Bush began to shift his emphasis to humanitarianism and democracy promotion, and liberal hawks reacted by doubling down on this point. “If our strategic rationale for war has collapsed,” wrote *The New Republic's* editors in a summer 2004 reassessment of the war, “our

Afghanistan, Korea, and Europe to the bureaucrats doing staff work in the Pentagon and elsewhere—would be dedicated to the mission. This is plainly impossible. Indeed, as of this writing the Army has zero uncommitted active combat brigades, and there are serious questions as to how long the current deployment is sustainable. The Army is already facing persistent shortfalls in recruitment, and former General Barry McCaffrey and others have expressed the view that if current trends continue, the Guard and Reserve forces will “melt down” over the next three years.

Some dodgers, such as *The New Republic's* Jonathan Chait, when forced to confront these facts, express the theory that the very large troop deployment they retrospectively favor need not have been implemented on a sustainable basis. Instead, says Chait, citing Malcolm Gladwell's book *The Tipping Point* (which says nothing about Iraq), a large enough force would have quickly stabilized the situation, launching a virtuous circle and allowing for a rapid drawdown of forces. It is possible that this would have happened, but the view lacks empirical support. The same RAND study of necessary troop levels also notes that drawdowns

have historically been viable only after several years have passed.

Besides, deliberately launching an unsustainable military operation based on a hunch that it would rapidly become unnecessary to sustain it is the height of irresponsible policy making. The only justification for taking such a course would be strict military necessity, not a war of choice.

***A 500,000-troop deployment would have required
that every U.S. soldier—from National Guard units
to those serving in Korea—be dedicated to Iraq.***

moral one has not.” Thus, for liberal hawks to be able to acknowledge the failure of the war while still casting it as a morally sound endeavor in keeping with the liberal interventions of the 1990s, the incompetence dodge is key.

So was the Iraq War a good idea, ruined by poor implementation? Perhaps the founding myth of the incompetence argument is that the postwar mess could have been avoided had the United States deployed more troops to Iraq. “Army Chief of Staff General Eric Shinseki was ridiculed for suggesting that it would take several hundred thousand troops to secure Iraq,” wrote Senator Joe Biden in a June 2004 *New Republic* article. “He looks prescient today.”

Shinseki's ballpark numbers were based on past Army experience with postconflict reconstruction. A RAND Corporation effort to quantify more precisely that experience, frequently cited by dodgers, concluded that a ratio of 20 foreigners for every 1,000 natives would have been necessary to stabilize Iraq.

The flaw in the popular “more troops” argument is strikingly easy to locate. The 20-to-1,000 ratio implies the presence of about 500,000 soldiers in Iraq. That's far more than it would have been possible for the United States to deploy. Sustaining a given number of troops in a combat situation requires twice that number to be dedicated to the mission, so that soldiers can rotate in and out of theater. As there are only 1 million soldiers in the entire Army, a 500,000-troop deployment would imply that literally everyone—from the National Guard units currently assisting with disaster relief on the Gulf Coast to those serving in

The continued prominence of this line, despite its obvious flaws, years after the invasion suggests that the dodgers are engaged in excuse making, not serious analysis. Other frequent dodger complaints likewise fail to withstand scrutiny. Most notable among these is the view that the administration fatally erred by not following the counsel of the State Department's Future of Iraq Project. Instead, the administration ordered the disbanding of the Iraqi army and a program of far-reaching de-Baathification of the Iraqi government, moves that undermined Iraq's institutions and alienated the Sunni Arab population.

Here the dodger policy judgment seems plausible. Those measures truly have alienated Sunnis and made stability impossible. The critique, however, ignores the White House's good reason for acting the way it did: These moves were virtually demanded by Iraq's majority Shia and Kurdish communities. What's more, Bush did attempt to placate the Sunnis, albeit not immediately. Following the June 2004 transfer of sovereignty, the White House did its best to choose for Iraq a Shiite Arab leader likely to be acceptable to Sunnis. The choice was Iyad Allawi, a secular Shiite ex-Baathist with deep ties to the CIA and the State Department. Allawi attempted to curtail the de-Baathification process, reach out personally to other former Baath Party members, and incorporate old-regime professionals into Iraq's new security services. The results were disappointing and, more importantly, rejected overwhelmingly at the polls in Iraq's first democratic election. The post-election government largely continued where Bremer had left off, despite constant



American pressure for a more conciliatory policy. In other words, despite the liberal hawks' belief that the United States *might* have done better in Iraq, the fierce internecine conflicts there always made it highly likely that the pacification process the hawks favored would have failed.

WHY DID THE LIBERAL HAWKS SO RESOLUTELY REFUSE to consider these on-the-ground facts as they marshaled their pro-war arguments? There are probably as many reasons as there are hawks, but the consistent thread that one sensed in reading their arguments was an imperative to be on the right side of history; and the right side, to them, meant attaining separation from the woolly left, which meant advocating war. This may be a respectable intention, but it's hardly a responsible use of positions of influence.

Reckoning with fact, by contrast, might have led to some acknowledgement of the tragic worldview that is, however much our better angels may not prefer it, a necessary component of foreign policy making in a world characterized by far more "less bad" options than genuinely good ones. It is perhaps a seduction peculiar to liberalism, which wants to believe the best about human nature, to ignore the tragic character of much of the world—and to reflexively interpret the failures of an ambitious social-engineering endeavor as evidence of bad technocratic management rather than mistaken premises. Recognizing the flaws of the incompetence argument when it comes to Iraq would necessarily lead liberal hawks to acknowl-

edge that not all interventions are created equal.

The liberal hawks' view of interventionism—and ours—was formed by the experiences of the 1990s, when greater rather than lesser American engagement in the world and a frank recognition that American power could serve humanitarian ends seemed to be the basic moral imperatives of the age. As Max Boot put it in *The Weekly Standard's* 10th anniversary issue, "The Bosnia and Kosovo missions ... showed how much good 'humanitarian' interventions could do, while the slaughter in Rwanda laid bare America's shame for not intervening." Kosovo, in particular, stood as a deeply flawed but undeniable benchmark—a war waged centrally on humanitarian grounds, revealing the potential for armed intervention to halt atrocities and for international administrators to maintain a tentative peace through indefinite occupation. For liberal interventionists, the great inhibitor to fulfilling such moral imperatives was always, inevitably, the disingenuous notes of caution sounded by Kissingerian realists. "We don't have a dog in that fight," then-Secretary of State James Baker famously said of the Bosnian mess. Liberal hawks were appalled at such sentiments, and properly so.

But the American experience in Iraq over the past two and a half years casts a retrospective light on the '90s interventions, bringing into relief an important lesson about U.S. limitations that had been too easily overlooked—and that the dodgers refuse to face even now: Military power can force parties to the table, but it cannot secure an enduring peace or a social trans-

formation. The U.S. military is good at exactly what one would expect an exemplary military to be good at: destroying enemy forces while keeping collateral damage to historic lows. Consequently, we have the ability to eject hostile forces from areas where they lack a strong base of popular support. This power allowed us to create the conditions for negotiation between the parties to the Bosnian war, and to keep the local Serb, Croat, and Muslim communities from killing one another in large numbers once the peace was signed. They also allowed us to eject Serbian forces from Kosovo and bring autonomy to that province, plus provided a large measure of security and autonomy for Kurdistan for more than a decade. These are no mean achievements, and they were accomplished largely from the air, at little risk to American soldiers. But in none of those places have we yet been able to achieve what we are likewise failing to accomplish in Iraq: the sudden transformation of a society.

Intervening requires us to take sides and to live with the empowerment of the side we took. Tensions between Kosovar and Serb, Muslim and Croat, Sunni and Shiite are not immutable hatreds, and it's hardly the case that such conflicts can never be resolved. But they cannot be resolved *by us*. Outside parties can succeed in smoothing the path for agreement, halting an ongoing genocide, or preventing an imminent one by securing autonomy for a given area. But only the actual parties to a conflict can bring it to an end. No simple application of more outside force can make conflicting parties agree in any meaningful way or conjure up social forces of liberalism, compromise, and tolerance where they don't exist or are too weak to prevail.

HUMANITARIAN INTERVENTION HAS BOTH USES AND limits. Recognizing these limits in no way entails an embrace of an amoral foreign-policy realism. This false dichotomy is perhaps the most pernicious idea to emerge from the Iraq War. Liberalism has always been an idealistic doctrine, and should continue to be. But if high ideals become detached from basic questions of feasibility, they serve nothing but their exponents' self-regard—the fragrance of which has surrounded the liberal hawks like cheap perfume since this exercise began.

Liberal hawks joined neoconservatives in taking advantage of the public's post-September 11 engagement with the world to unveil a comically promiscuous military agenda. *The New Republic* first argued that the Bush administration should have deployed more troops to Afghanistan, then proceeded to argue in favor of the war in Iraq, then criticized the administration for failing to send more of America's already overstretched forces to interventions in Liberia and Haiti, then urged action to halt genocide in Sudan, and now takes the view that the problem with Iraq is that hundreds of thousands of additional troops should have been sent there from the beginning. Though arguably imbued with loftier motives than its neoconservative variant (*The Weekly Standard* has variously argued for attacking Iran, Syria, and North Korea), *TNR's* stance is still knee-jerk hawkishness that is oblivious to the realities of the situation. It deserves to be tuned out in debates every bit as much as blanket pacifism does. Just as serious opponents of war must be prepared to countenance some wars under some circumstances, serious advocates

of using force for humanitarian purposes must be willing to acknowledge some limits to what can and should be done.

We are not realists. Rather, we agree with Kenneth Roth, executive director of Human Rights Watch, that coercive humanitarian intervention, while useful and important, "can be justified only in the face of ongoing or imminent genocide, or comparable mass slaughter or loss of life." Avenging past slaughter, which certainly took place in Iraq years before the U.S. invasion, is not a good enough reason. Using force to build a pluralistic liberal democracy where none existed before could count as a moral justification for war if we had any sense of how to feasibly engage in such an endeavor, but the evidence from Iraq and elsewhere indicates that we do not. Liberal hawks convinced themselves that the war in their heads was a classic humanitarian intervention, but wishing doesn't make it so. Not merely in its execution, but on the plane of ideas as well, the humanitarian rationale for the war was, at best, neoconservatism with a human face. The confusion currently permeating the discourse only complicates efforts to construct a viable liberal foreign policy, and will continue to do so until it is checked.

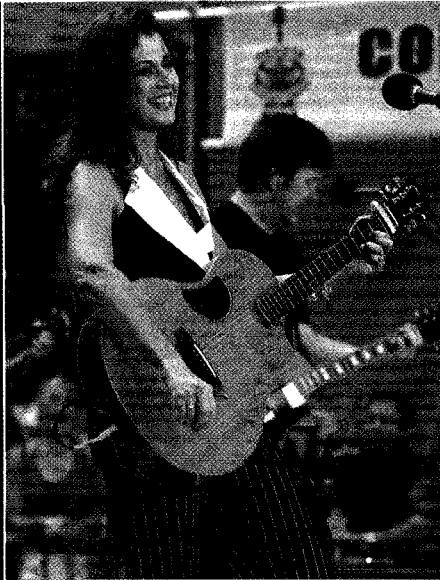
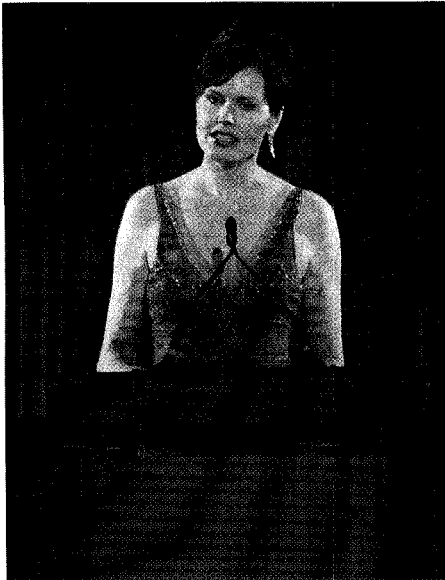
Before Iraq, this had always been the liberal understanding. The view that the United States should invade entrenched dictatorships in order to occupy foreign countries and transform them into democracies is utterly novel. No president has ever undertaken a war on this theory. "In the wake of Iraq," *TNR's* Peter Beinart bemoaned in December, "there has been a lot of loose liberal talk about the impossibility of imposing democracy by force." That loose talk is probably right. The main examples of successful coercive democratization—Germany and Japan during and after World War II—involved military methods, notably the wholesale aerial destruction of civilian population centers, that would be condemned as barbaric today. Where invasion is undertaken for other reasons, as in Afghanistan and Kosovo, it is sensible to try to stand up the most decent successor regime we can manage. But to initiate a war in order to begin the occupation is daft.

Such understanding by no means requires rejecting the concept of democracy promotion. But whether in Eastern Europe in the 1990s or Ukraine, Georgia, and Lebanon in the 21st century, democracy promotion has not been accomplished primarily through warfare. Acknowledging the limits of armed intervention does, however, entail a recognition that injustice exists in the world that is beyond America's capacity to remedy. Refusal to see this—which is part and parcel of the incompetence dodge—may be the liberal hawks' most dangerous tic. And if a failure to internalize some trace of the tragic worldview is a common liberal danger, still further dangers abound for intellectuals and pundits: the seductions of cheap hindsight and second-guessing, the perennial inclination to sacrifice empirical grounding for lofty moralizing and aesthetic preening.

Precisely because commentators face the least degree of accountability for what they advocate, they have the greatest responsibility to face matters squarely and honestly. The future of a morally serious, reality-based liberalism depends on interventionists learning from the Iraq debacle lessons more profound than that George W. Bush is a bumbler. **TAP**

Culture & Books

"Wilentz wishes historians would devote less attention to Indian removal and more to Jackson's crusade against the Bank of the United States."
—PAGE 44



Two Nations, Separate: Is America big enough for both Geena Davis and Amy Grant?

TV

BOTH SIDES, NOW

TV in blue and red: Commander in Chief unfolds as a nonpartisan (yeah, right!) fantasy; Three Wishes is one big faith-based initiative.

BY NOY THRUPKAEW

IN HIS ADVANCE PUBLICITY WORK for *Commander in Chief*, series creator Rod Lurie told the press that the show—ABC's new drama about the first female president—was distinctly "anti-partisan." Oh please, Rod; it's a lefty wish come true. The audience at the Washington screening put on by the nonprofit women's group The White House Project churned with excitement, punctuating key moments of the drama with choruses of "mm-hmm" and "you tell him, girl." In the revival-tent atmosphere of the screening room, we were gripped with the fevered righteousness of a cause: a woman president, one who reflects our political visions and goals, and, even more

jaw-dropping, an über-frau who juggles work—and what work!—and family ... and still manages to look like a Hollywood star. She can do it; why can't we?

"[This show] is putting our dreams on the screen," an American University student told me, and indeed, the audience seemed in thrall to a collective fantasy: a woman able to create the world—and the audience—in her own image. Volunteers at the event wore stickers that read "Hello, My Name is Ms. President." More than anything else that night, the fake name tags underscored *Commander's* greatest weakness and its greatest strength: an insistence on hollowing out its heroine to a gendered shell and strip-

ping her of political particularity, all so we can imagine ourselves in her shoes. President Everywoman.

Commander's Mackenzie "Mac" Allen, played with equal parts stiffness and pluck by Geena Davis, comes by her position after Republican President Teddy Roosevelt Bridges suffers a fatal aneurysm. A woman-friendly independent whom Bridges put on his ticket to Get Out Her Vote, Allen nearly resigns after his death, recognizing she can't carry out Bridges' conservative mandate. But after a galvanizing confrontation with the third in line, the spectacularly sexist and archconservative Speaker of the House Nathan Templeton (Donald Sutherland), she takes the oath and tackles her first foreign-policy challenge: saving a Nigerian woman from being stoned for adultery.

As in his Lewinsky-era feature film *The Contender*, in which a female vice-presidential candidate beatifically endures a sex scandal, Lurie here positions his president as the avatar of women's thwarted ambitions, the heroine who redeems female suffering at the hands of sexism. In his showdown with Mac, the deliciously Lurch-esque Templeton basically calls her an old bag and her Nigerian cause a slut. This moment turns Mac into the quintessential Someone We Can Believe In, even if we don't know what her politics are. All that matters is that she isn't *that goddamn wanker*.

THE PREMIERE OF *COMMANDER* BEAT out its formidable competition, making it the highest-rated drama debut on a Tuesday night in five years. The numbers could be chalked up to curiosity, or to *Commander's* ubiquitous marketing campaign, but they also seem to signal how hungry so many Americans have become for an alternative to our current political nightmare—even if that alternative is little other than escapist fantasy.

Mac's foreign-policy challenge was the pilot episode's one true tangle with politics, a wistful redrafting of our post-September 11 policies: After attempts at multilateralism fail, President Allen uses a show of military force to intimidate the Nigerian government into coughing up its captive. What a fraught ideal, this scaled-down retelling of our involvement in Iraq and Afghanistan—and of our lack of involvement in the real-life case of Amina Lawal, a Nigerian woman who was sentenced to stoning for adultery in 2002 but ultimately earned a reprieve after worldwide outrage brought attention to her case. Mac combines feel-right feminism with a manly power move to assert her political will, saving her character from charges that she governs by

itics and not plot to become president.

Commander can inspire a nauseatingly funky combination of gratitude and ambivalence—that's what comes of picking apart one of the only mainstream feminist images out there, especially one who has become a *cause*. "But it would be coy to say that we have no agenda; we do," wrote Lurie, in a thank-you letter to White House Project members. "A woman in the White House. One day. Soon. Let's get America comfortable with the notion." But unless it transforms Mac from a feminist doll into a real-live woman pol, unless it applies its edge on family politics to national politics, *Commander* risks growing mawkish and flatulent on its own self-importance. "A female president!" exclaims one of President Allen's staffers.

"A female president!" exclaims one of President Allen's staffers. "Can't you smell the history?" Indeed, and it smells like someone cut the cheese.

heart alone. Yes, she ignores national sovereignty and could inflame conservative Islamic nations, but ... even as I clucked at the white-rescuer-tinged fantasy and the real-world problems it would present, I had to furtively wipe my eyes on my notebook. *Girl!*

As politically empty and implausibly noble as her character is, it also provides a way to play out "feminist" dilemmas that really affect us all—the domestic division of labor, balancing work and family, women's struggle to wield power well and responsibly. That's where *Commander* actually earns its props—as a study in gender-work-family dynamics.

It's too bad, though, that in showing us women's workaday realm, Lurie has sacrificed some of the ugly politics, the "mannish" stuff, if you will. (Although that may soon change, with Lurie being replaced by Steven Bochco, creator of the rough-edged *NYPD Blue*. Studio heads cited production delays as the reason for the switch.) As the accidental president, Mac has sidestepped inevitable outsized expectations, the bitch- and bull-dyke-baiting that would confront any woman candidate who would have to rely on pol-

"Can't you smell the history?" Indeed, and it smells like someone cut the cheese.

It's an unholy marriage, this union of culture and activism, and both partners can suffer for it. In a way, Mac is not so different from the Presidential Barbie that the White House Project, girl's empowerment group Girls Inc., and Mattel launched in 2000 in an effort to inspire girls to dream big. Like Barbie, Mac is pretty, pose-able, and we don't know what she stands for (she also seems to have a serious lip-gloss problem). There's a hole at the core of the show right now, a failure of imagination in bringing the premise to life: She's a woman president—but where's the president part?

President Allen's gotten our attention and, in many cases, our grateful adoration. Now's the time to make her more than just a straw woman, to portray a real person who struggles with the substance of her work as much as she does with balancing that work with her family life. After all, we can do it; why can't she?

JUST AS ROD LURIE GIVES VIEWERS an earnest liberal heroine with *Commander*, the creators of NBC's *Three*

Wishes offer up a red-state one: Amy Grant, Christian-musician-turned-faith-healer. The matronly messiah presides over a new reality-TV show, granting at least three (very large) wishes made by the residents of a town, a different one chosen each episode. *Three Wishes* seems like a sea change from the usual sado-masochistic reality-TV fare, exemplified by *Fear Factor* and *Survivor*. But for all its kinder, gentler vision, *Three Wishes* still inflicts a measure of its own pain upon its, ah, Grantees and its audiences, each wrung dry for their tears.

Three Wishes is run on a merit-based charity system, or perhaps a desperation-based one. Grant and her staff roll into town and set up tents, where they hear the tales of suffering and frustrated gratitude, decide which are "most deserving" (or most dramatic), and then set to. (The premise is ripped straight from *Extreme Makeover: Home Version*, in which a carpenter crew descends upon the domiciles of the desperate and fixes their crappy lives by ostentatiously remaking their houses.) In the first episode, they hold a town festival to pay for a little girl's surgery bills, put in a new football field at the behest of a coach battling cancer, and help a little boy thank the stepfather (with a new truck, baseball tickets and a first-pitch opportunity, and an expedited adoption process) who is like a hero to him.

Grant makes a genuinely warm and soulful fairy godmother—a nice return to form for the singer, once ostracized by some of her more unforgiving fans as a jezebel for divorcing her first husband. Grant has the backing of numerous corporations, of course, which are profusely thanked with product placements for their help with Grant's laying on of dollars. "I want to thank Ameriquest," Grant announces at the festival. "Ameriquest, proud sponsor of the American dream." Manna from mortgage heaven.

Just as *Commander* reads like a liberal dream come true, *Three Wishes* clearly plays to a conservative audience. Only the "deserving" receive aid, and oftentimes neighborhoods, individuals, and publicity-hungry corporations all rally around, God bless them, to fill a gap

that some of us believe is better served by governmental services. In one scene, the mother of the little girl undergoing surgery hides the medical bills in a box (she can't bear to open at them) before the gallant aid arrives. But talk about health care? Heaven forbid. Similarly, in a promo for the following week, a Hurricane Katrina family is seen sobbing with gratitude. "We were lost," says one member of the family, "and angels came to us." *That's 'cause the feds didn't!*

Not to be a heartless grinch, of course.

Grant and her team *do* make a tremendous difference in the lives they touch despite the public garishness of their giving. Similarly, *Wishes'* vision of personal good, individual transformation,

and "Kumbaya" community can leave viewers blubbing on the couch. But all the same, one yearns for a vision of social change that relies as much on creating strong support networks for all as it does on the power of one-off individual altruism. In the end, what we need is a team like Amy Grant and President Allen—the celebrity good neighbor standing alongside a politically empowered, multilaterally minded woman who could build that systemic structure. Red and blue representatives working together toward a better world? That's wish fulfillment worth fighting for. **TAP**

Noy Thrupkaew is a Prospect senior correspondent.

oddness of the system by which Americans today pick their elites: "Just try to explain to someone from abroad—from, say, France, Japan, Germany, or China—why the ability to run with a ball or where one's parents went to college is relevant to who will gain a place at our nation's most prestigious institutions of higher education, and you immediately realize how very peculiar our practices are."

Only slightly less unfamiliar to the French or Japanese education meritocrat would be such staples of the American application process as the interview, the letters of recommendation, the focus on racial and ethnic diversity, and on interests and activities and "character."

"All in all," Karabel writes, "the admissions process at America's leading colleges and universities has striking affinities to the system of selection to a private club. Given its historical origins, this resemblance is less than fully coincidental." His book is an extended explanation—and a meticulously researched, astutely argued, and (considering how much of it is given over to the machinations of university administration) surprisingly engaging one—of how that happened. It focuses on the three universities that, more than any others, have over the course of the 20th century defined American elite higher education.

Karabel's central point is that, in a very basic sense, today's admissions process is less meritocratic than it was 100 years ago. Until the early 1920s, all of the "Big Three" had a simple policy: An applicant took the (not terribly difficult) entrance examination, and if he passed was admitted.

Karabel is careful not to take the point too far. Including subjects like Greek and Latin, the exams tested knowledge that most public-school students never had a chance to acquire (For that reason, Harvard began phasing out its Greek requirement in 1886). It's also true that those sons of the elite who couldn't pass the exams, even after repeated attempts, could still be admitted "with conditions," and that, once admitted, they and their ilk dominated campus life.

Still, Harvard especially, thanks to its markedly liberal and hugely influential

BOOKS

GATES OF PRIVILEGE

THE CHOSEN: THE HIDDEN HISTORY OF ADMISSION AND EXCLUSION AT HARVARD, YALE, AND PRINCETON BY JEROME KARABEL

Houghton Mifflin, 684 pages, \$28.00

BY DRAKE BENNETT

IN 1958 A YOUNG BRITISH SOCIOLOGIST and Labour Party official named Michael Young published a book called *The Rise of the Meritocracy*, coining the now-commonplace term. A mock sociology doctoral dissertation from the year 2030, it looked back over the development of an England that had attained what, for educational reformers of Young's day (and ours), was only a distant goal: true equality of opportunity, a society where success was determined not by connections or lineage or wealth but solely by an exact and foolproof calculation of merit. The formula was simple: intelligence plus effort.

The book, of course, was satire, but it was also a cautionary tale. After all, equality of opportunity, Young wrote, meant "equality of opportunity to be unequal." Comfortable in the knowledge that the able were rewarded and only their inferiors left behind, the government, and the society as a whole, lost all concern for the less meritorious masses. Even members of the lower classes

stopped agitating for any sort of equality; having been given a fair chance, they blamed only themselves for their fate—that is, a footnote tells us, until they rose up in a revolt that claimed the life of the dissertation's author.

Young's dystopian vision hovers in the background of Jerome Karabel's *The Chosen*, which arrives—this may not be a coincidence—just as high-achieving high-school seniors all over the country enter in earnest into the college-admissions process. Not that many of them will have time to read a 552-page book—not with essays to write, recommendations to secure, test-prep courses to take, and a few more fulfilling, unusual extracurricular activities to be discovered (and, preferably, led).

But come spring, the unlucky applicants, those called but not chosen, might want to turn to it for solace. Not just because Karabel says the game is rigged—they'll no doubt decide that for themselves—but because, right at the start, he emphasizes the fundamental

President Charles W. Eliot, prided itself on its openness. When Franklin Delano Roosevelt enrolled there in 1900, more than 40 percent of his classmates came from public schools, and many were the children of immigrants.

All of this changed, however, after World War I. Karabel's title implicitly names the cause. It was the increase in the number of Jews winning admission to elite colleges, and the horror their success aroused in the early-20th-century WASP gentleman, that gave us today's admissions process.

The example of Columbia University sounded the alarms at the Big Three. By 1920 the proportion of Jewish students at Columbia had reached nearly 40 percent, and the New York elite abandoned it, sending their sons elsewhere. Even

casual incursions into Bridgeport and Hartford, we might protect our Nordic stock almost completely."

But, Karabel argues, while the new admissions policies were blatantly discriminatory, they were as much about preserving a culture as the purity of bloodlines. In one of the book's most fascinating sections, Karabel uses the story of the Groton School and its charismatically severe founder, Endicott Peabody, to describe the creation of a certain Protestant elite ideal in the late 19th century. At Groton, founded in 1884, Big Three-bound students like FDR (who maintained a loyal, almost apostolic relationship with Peabody until the headmaster's death in 1944), were molded not for academic brilliance but to be paragons of what Peabody called "vigorous, virile,

tween then and now? In part it was the result of concerted efforts by liberal reformers such as Harvard President James Bryant Conant, Yale President Kingman Brewster, and Yale dean of admissions R. Inslee Clark Jr.—though Conant in particular, Karabel argues, owes his progressive reputation more to public pronouncements than to actual policy changes.

Mostly, however, change came from outside. After World War II and the revelations of the Nazi "Final Solution," any policy that smacked of anti-Semitism became publicly indefensible, and the Big Three had to loosen their quotas.

At the same time, the Cold War, and the Soviet success in beating the United States into space with Sputnik, created a sense that American higher education was failing to keep pace, and that it needed to better train a new scientific and technocratic elite. Congress declared an "educational emergency"; finding and training the best brains was cast as a matter of national survival.

The huge infusion of federal research money triggered by such concern also changed the financial dynamics at elite universities, making them less dependent on conservative alumni who used the threat of withheld donations to get their way and giving new power to the faculty—who favored admissions policies based more purely on academic achievement—because they could attract the federal money.

In general, Karabel argues, the universities' increasingly inclusive admissions policies sprang from institutional rather than moral considerations. The move toward attracting more (or, in the case of Princeton, allowing any) black students he ties to the fear of on-campus radicalism and to larger concerns that the race riots of the mid-1960s were an existential national threat. The decision to admit women, Karabel argues, was driven primarily by a concern that all-male colleges were losing their best male applicants to co-ed competitors, and that doubling the pool of qualified applicants would allow greater selectivity.

Karabel's central point, though, is that all of these changes were carried

To avoid Columbia's fate, the Big Three, seeing a rise in their own Jewish student populations, quickly instituted quotas of their own.

the university's establishment in 1910 of an admissions office (the nation's first) expressly to deal with the problem—by applying now-familiar admissions criteria like "character" and "leadership qualities"—didn't stem the tide. It ebbed only with the imposition of a formal quota in 1921.

To avoid a similar fate, the Big Three, seeing a rise in their own Jewish student populations, quickly instituted quotas of their own, Harvard after an acrimonious public debate—the retired Eliot was adamantly opposed, his conservative successor A. Lawrence Lowell determinedly for—Yale and Princeton more quietly.

Karabel has combed through the public and private correspondence of the men who pushed these changes through, and he turns up some rather horrifying comments about "the Hebrews." In 1933 Yale's president, James Rowland Angell, wrote his director of admissions in what Karabel interprets as a joke about the geographic concentration of Jewish applicants, "It seems quite clear that if we could have an Armenian massacre confined to the New Haven district, with oc-

enthusiastic character; a gentle, sympathetic, and unafraid example of muscular Christianity."

The living conditions were austere, football was mandatory, and brutal hazing rituals were condoned. The schools were set up, Karabel writes, "to expose the young men who went through them to the experience of both obedience and command, often under trying conditions," to train a certain sort of national, even imperial, leader. At a time when the American Protestant elite felt both threatened by waves of immigrants and emboldened by the country's growing global strength, institutions like Groton—and the Big Three—were ruled by "an uneasy admixture of two seemingly contradictory systems of belief: gentility and social Darwinism." In such a setting, boys from immigrant Jewish families, Karabel writes, "raised in a milieu in which the scholar traditionally occupied the highest place and manliness was judged more by learning than physical prowess," were a curiosity and, in sufficient numbers, an affront.

What is it, then, that changed be-

out within the fundamentally conservative framework set up in the early 1920s to keep out bookish Jews. The carefully maintained racial diversity of today's Big Three, for example, is not merely a matter of removing barriers but of adding minorities to the list of those who get preferential treatment in the admissions process—a process that remains, at base, fundamentally political, with different constituencies (alumni, faculty, athletic coaches, mobilized minority groups) competing for space in the freshman class. As Karabel puts it, “Power—including the capacity to shape the very categories used to classify candidates for admission and to designate specific groups as warranting special consideration (e.g. legacies and historically underrepresented minorities, but not disadvantaged whites)—is at the center of this process.”

Which brings us back to Young's dark satire about the meritocracy. Ultimately, there is a barely resolved tension at the heart of Karabel's book, detailing as it does the many failures of the Big Three to live up to their meritocratic ideals. In his final chapter, Karabel decries the heavy advantage that those schools continue to accord legacy applicants and ath-

letes, and he takes them to task for admissions policies that still decidedly favor the rich (the Big Three today, he charges, are actually less economically diverse than they were 40 years ago).

But like Young, Karabel is also deeply skeptical of meritocracy itself, calling it “seriously flawed as a governing societal ideal.” He emphasizes the unabashed elitism of such meritocrats as Conant and Brewster, men comfortable with vast inequality as long as it correlated with ability. Today, Karabel points out, two-thirds of Americans believe that “people have equal opportunities to get ahead,” and only 28 percent favor government action to reduce income inequality, whereas in England, those numbers are practically reversed.

Karabel's book, then, directs its quiet outrage toward fixing the faults of a system whose goals he only reluctantly shares; he closes *The Chosen* with an approving description of Young's ideas. Ultimately, it's hard to know which Karabel would prefer: a more finely discriminating admissions system or one that didn't discriminate at all. **TAP**

Drake Bennett is a staff writer for the Ideas section of The Boston Globe.

BOOKS

THE LAST THING SHE WANTED

THE YEAR OF MAGICAL THINKING BY JOAN DIDION Knopf, 227 pages, \$23.95

BY LINDA HALL

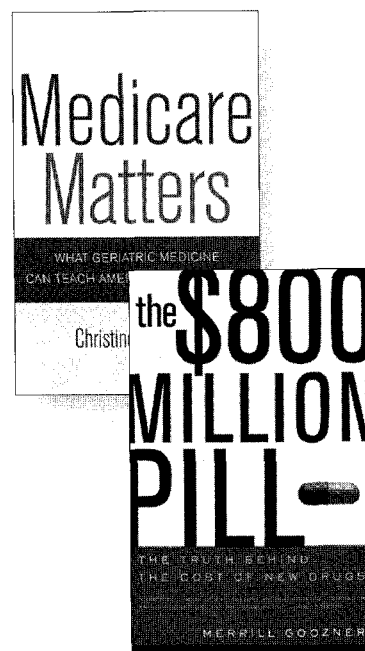
MILK IT, BUT NO EXCESSIVE melodramatics,” John Gregory Dunne tells us he wrote to himself in 1987, shortly after his doctors declared him a candidate for a “catastrophic cardiac event.” In his 1989 memoir, *Harp*, he reports that he also drafted a note about procedures that were to be followed should he suddenly die. Calvin Trillin was to deliver the news to Dunne's only child, Quintana Roo. “[I]t was,” Dunne wrote, “as if my wife, whom I jauntily called ‘the little widow,’ could not manage on her own.”

Dunne deleted the note; his wife was Joan Didion, and he knew her tough-

ness better than anyone. When his bad heart did kill him, at age 71 on December 30, 2003, neither Trillin nor Didion could inform Quintana. Diagnosed first as having the flu, then pneumonia, she had entered septic shock and lay in an induced coma at Beth Israel North Hospital in Manhattan.

Dunne's obituary in *The New York Times* mentioned only that Quintana was seriously ill. The paper's later article on his memorial service suggested that she had fully recovered. Both Quintana and her mother spoke at the service; Didion, “in full voice,” read a passage from *Harp*.

THE STATE OF OUR HEALTH



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The public record of Didion's life over the next several months confirmed that Dunne was right about his wife: Although the couple had been married for 40 years and were, in Didion's own words, "terrifically, terribly dependent" on each other, the little widow could, without question, manage on her own. Less than a year after Dunne's death she wrote—in full voice—a piece for *The New York Review of Books* on the presidential election. To the same journal she contributed a long analysis of the Terri Schiavo case.

Then came the announcement from

about loss impishly, but neither could she write about it robotically.

To read about the tragedies that have befallen Didion since the last days of 2003 is to put aside temporarily all questions about her writing. In *The Year of Magical Thinking*, we learn not only about how ill Quintana was at the time of her father's death, but that two days after his memorial service she collapsed at Los Angeles International Airport and underwent six hours of neurosurgery. We learn, too, that while Didion did appear to "manage" in the face of all this—so

memoir, Quintana died this past August of an abdominal infection. Once described by Didion as "delighted with life exactly as life presents itself to her, unafraid to go to sleep and unafraid to wake up," she had been married a little more than two years, and was 39.

BEFORE SHE SET OUT TO WRITE ABOUT grief, Didion spent many months reading about it. "In time of trouble," she wrote, "I had been trained since childhood, read, learn, work it up, go to the literature. Information was control." Control remained elusive, but she found comfort in poems (by W. H. Auden, Matthew Arnold, Delmore Schwartz), in the journal kept by C.S. Lewis after the death of his wife, and in Emily Post's 1922 etiquette book ("as acute in its apprehension ... of death, and as prescriptive in its treatment of grief, as anything else I read"). *The Year of Magical Thinking* will be indispensable to those who are frustrated, as Didion was, by the how-to or "inspirational" guides on dealing with grief but do not know where else to turn.

Those who pick up the book simply because Joan Didion wrote it, however, are likely to be disappointed. I wish I could report that the problems with this memoir seem merely the result of Didion's having sat down at her computer when she was raw, exhausted, and unable to concentrate. But what is wrong with *The Year of Magical Thinking* is what is wrong with *The Last Thing He Wanted*: the one-sentence or one-word paragraphs (many of them souped up in italics), which seem less a stylistic choice than a consequence of auto-formatting; the lack of interest in, as *Last Thing's* narrator disturbingly put it, "the development and revelation of 'character'"; the auctioneer's approach to detail. The book is thin but not taut. We learn too little about Dunne and too much about what was in his wallet and pockets at the time of his death. We accept Didion's repeated claim that she was demented; that she did not understand how, why, or when Dunne died; that she wanted his autopsy report so she could figure out what had gone wrong and "fix it," or "bring him back." But because we have also accepted the straightforward



Joan's Arc: We'll always have the Didion sentence, but ...

Knopf that Didion had written *The Year of Magical Thinking*, a memoir about grief. Since we no longer had to wonder whether Didion was working, we were free to speculate on how she was writing. In an anthology of pieces from *National Review*, the magazine on whose pages the Didion-Dunnes' engagement was announced, Priscilla Buckley (William F.'s sister) noted that when Didion first began writing for *National Review*, "her prose, while always careful, was more relaxed, even impish." More relaxed, Buckley meant, than the writing in some of Didion's novels, the most recent of which, *The Last Thing He Wanted*, was described by the critic James Wood as having been narrated by "a ghost that has been taught to rap" or "a robot programmed to write like Joan Didion." Didion could not write

actively monitoring her daughter's treatment that a member of the house staff threatened to resign—she was during these months not just "crazy with loss" but "literally crazy." Having arrived in Los Angeles with clothes appropriate for winter in New York, Didion went to the UCLA Medical Center bookstore and bought a few sets of blue cotton surgical scrubs. She gave away her husband's clothes but not his shoes; he would need them if he somehow returned to her. This, she says, was the beginning of her year of magical thinking.

At the end of it, and the book, she reported, "The craziness is receding but no clarity is taking its place. I look for resolution and find none." She is unlikely to find it anytime soon. Medically stable at the time Didion finished writing this

information that he died of a heart attack, Didion's chronologies and inventories (she gives us notes from her doorman's log as well as from the hospital records; she lists the injections administered by the paramedics) read like a Warren Report on the death of LBJ.

A great writer's weaker work does not matter. In an essay about Ernest Hemingway and his weaker work, Didion stressed the fact that "this was a writer who had in his time made the English language new, changed the rhythms of the way both his own and the next few generations would speak and write and think." Cynthia Ozick saw it differently: "An army of succinctness-seekers followed in a movement that accommodated two or three generations of imitators, until finally the distinctive Hemingway dryness flaked off into lifeless desiccation. The Hemingway sentence became a kind

of ancestral portrait on the wall, and died of too many descendants."

Yes and no. Didion typed and retyped Hemingway's stories and became herself. ("You would never know it from reading me," she once said to an interviewer when naming Hemingway as an influence.) Those of us who typed, or memorized, Didion's essays did so to become Didion. We haven't succeeded. Last January an early essay of hers, "Some Dreamers of the Golden Dream," was celebrated on the *Times*' editorial page, an unusually explicit and wholly unnecessary reminder that literature is news that stays news. If a number of Didion books have not worn well, the Didion sentence, perfected when its author was only 31, remains robustly, untouchably alive. **TAP**

Linda Hall is an assistant professor of English at Skidmore College.

BOOKS

HOW THEY DID IT

OFF CENTER: THE REPUBLICAN REVOLUTION AND THE EROSION OF AMERICAN DEMOCRACY BY JACOB HACKER AND PAUL PIERSON

Yale University Press, 272 pages, \$25.00

BY MATTHEW YGLESIAS

MOST OBSERVERS EXPECTED AT the beginning of 2001 that George W. Bush would pursue a moderate course in office. Some thought he would do so because they'd been duped by the faux-moderation of his "compassionate conservative" campaign. Most, however, calculated that simple pragmatism would dictate a moderate presidency. With Bush losing the popular vote to Al Gore (despite a strong showing by Ralph Nader to the vice president's left), the 2000 election showed little indication of popular appetite for a dramatic shift to the right. Republicans retained both chambers of Congress, but their margins were narrow and growing narrower. The American system is generally resistant to large-scale change, and the politics of the situation indicated that even if Republicans succeeded in pushing through their agenda, they would pay a

heavy price come election day.

Needless to say, it hasn't worked out like that. Why and how domestic policy has shifted so far right in recent years is the story of *Off Center*—by Paul Pierson and Jacob Hacker, political scientists at Yale and Berkeley, respectively—and it isn't a pretty one. Little in their analysis is genuinely original, but the synthesis is executed with a deft balance of grace and rigor. The rise of what they term the New Power Brokers—the network of bipartisan conservative institutions and their leaders—has filled the ranks of the Republican congressional caucus with a group that's much more uniformly conservative than in generations past. On the Hill, GOP leaders have succeeded in creating the most cohesive, disciplined congressional party in American history. Moderate Republicans have either been crushed or else are faking their modera-

tion in the most crucial respects. And a hyper-empowered group of corporate managers and super-rich individuals is running amok through federal policy. Changes in the tax code are redistributing wealth upward even as underlying economic trends push toward inequality. Regulations are rolled back, or simply not implemented. Federal spending remains high, but much of it is being redirected away from the public good and into the coffers of Republican-allied businesses and constituencies. Rather than suffer a backlash at the hands of the voters, the designers of this agenda have been rewarded, repeatedly, with election victories and expanded majorities.

The obvious explanation—embraced by conservatives, most of the power-worshipping press, and even a few liberals—is that this is, in some sense, what the American people want. Perhaps the book's most effective passages are those dedicated to briefly and devastatingly refuting this theory. Not only does polling show specific Republican policies to be unpopular in their details; on broader questions of national priorities, opinion has shifted somewhat left in the past 25 years, and generic ideological self-identification has been remarkably stable. Nor, as Thomas Frank has asserted, is good governance being swept away on a rising tide of false consciousness. Though still low by world standards, class polarization in American voting patterns is increasing and has never been higher than in recent years.

Instead, Republican legislative success has been astonishingly dependent on what a layman would call "lying," or, as Pierson and Hacker put it, "the careful design of public policies to highlight some effects and beneficiaries and downplay others." Dishonesty has, of course, always played a role in politics. But today's right does not—or at least does not only—lie to cover up misdeeds or embarrassing facts but governs by fundamentally misrepresenting the nature of its policy objectives. Chapter Two uses the 2001 tax cuts as a case study. Along with simple public misstatements of fact, the administration structured the cuts to include a complicated series

of phase-ins and sunsets to obscure both their true cost and their distributive consequences. Later battles to cancel the scheduled phaseouts could then be framed as efforts to forestall large tax increases rather than as what they in fact are: further large tax cuts.

Most boldly, the changes to the tax code, though implying large future reductions in social outlay, were not paired with any offsetting spending cuts. Along with abuse of the conference-committee process and refusal to allow votes on alternative proposals, this strategy exploits low levels of political awareness among the general public to obscure the relationship between cause and effect and allow politicians to evade accountability for their actions.

Beyond subtle manipulation of the policy process, contemporary elites are likewise sheltered from accountability by broad elements of the political system. Partisan gerrymandering allowed Bush to win a majority of House districts (227 out of 435) with a bit less than 48 percent of the popular vote. Under the current apportionment, that 48 percent would give Bush almost 55 percent of congressional districts. The Senate is naturally gerrymandered to favor Republicans, and the rising cost of political campaigns both advantages the party of wealth and entrenches incumbency by reducing the number of competitive races.

As a result, the traditional centrist and "small-c" conservative cast of American politics has eroded, producing not so much the "polarization" of finger-wagging pundits as great policy leaps to the right unaccompanied by any such shift in public opinion. Rather than make the case on the merits against the consequences of all this, Hacker and Pierson portray it as an erosion of democracy itself, yet the brute policy effects and disturbing implication that formulating more appealing alternatives is neither necessary nor sufficient to reverse them should be sufficiently unnerving to alarm even those disinclined to accept the claim.

But if the authors' analysis of the country's present predicament is a tour de force, their briefer efforts to outline a path

forward is less satisfying. The reforms on the table here—concerning labor law, election and campaign rules, and congressional procedure, among others—are largely worthy ideas. Under present conditions, however, enacting them into law or even getting a serious hearing for them is impossible, precisely as a result of the factors the rest of *Off Center* lays out. Hacker and Pierson explicitly acknowledge this problem but don't resolve it.

Fortunately, the political situation may not be quite as bleak as the book makes it seem. The authors are both scholars of the welfare state in their academic work, and consequently give short shrift—indeed, almost no shrift at all—to the politics of national security. They argue, correctly, that September 11 was not the fundamental *cause* of America's great

leap right, citing the current situation's antecedents in the behavior of the Clinton-era congressional Republicans and the passage of the first Bush tax cut before the terrorist strikes.

Nevertheless, the revived prominence of national security as a campaign issue has fairly clearly been a necessary condition for the viability of the Republican strategy. Despite all the gimmicks, lies, and structural biases of the system, recent elections have been close ones, and both Bush's margin of victory in 2004 and the Republican gains of 2002 depended on the GOP's large advantage on security. These problems are, of course, outside the scope of the book, but resolving them is likely a necessary precondition for addressing the dangerous trends at home that Hacker and Pierson identify. **TAP**

BOOKS

DEMOCRATIC STORYTELLING

THE RISE OF AMERICAN DEMOCRACY: JEFFERSON TO LINCOLN

BY SEAN WILENTZ W.W. Norton & Company, 969 pages, \$35.00

BY ALAN TAYLOR

DURING THE EARLY 20TH CENTURY, "Progressive historians" interpreted the American past as an epic struggle to perfect a democratic republic for the common people. Adopting the great American taste for moral melodrama, they cast Thomas Jefferson and Andrew Jackson as heroic democrats pitted against the elitist defenders of privileged wealth: Federalists and Whigs. Progressive history served the politics of the Progressive Era: the construction of an activist and reformist state pitched against entrenched business interests.

Celebrating Jefferson, Jackson, and American democracy was easy so long as historians defined "the people" in 19th-century terms as white men. Like their more conservative competitors, the Progressive historians regarded women as politically irrelevant, Indians as doomed primitives, and black slaves as exceptions in a national story of democratic progress. Although women, Indians, and blacks added up to the majority of the American

people, they mattered less than the expanded political rights of common white men to the Progressive story.

During the 20th century, political struggle belatedly produced a truer democracy as women gained the right to vote and blacks claimed civil rights. At century's end, that broadening of the political nation rendered a new generation of historians, the "Neo-Progressives," uncomfortable with the older, narrower equation of democracy with opportunity only for white men. Wealthy gentlemen like Jefferson and Jackson also suffered from the new preference for social and cultural history, which insisted that a truly democratic history would focus on common people. Jefferson's and Jackson's roles as slaveholders and Indian despoilers moved into the foreground, casting a shadow on their political victories for common white men.

In general, historians described 19th-century America as a white man's republic, a "Herrenvolk democracy." It was no

mere coincidence that most white men gained the right to vote at the same time that states and the nation escalated the dispossession of Indians and filled the conquest with new farms and plantations worked by enslaved Africans. For most of those triumphant whites aspired to exploit the land and labor of those who could be denied rights on a racial basis.

This interpretive shift has led many Neo-Progressive scholars to rehabilitate northern Federalists and Whigs as *relatively* sympathetic to the plight of slaves, Indians, and white women. They supported Indians' persistence provided that the Indians embraced private property and the Christian faith. In contrast, Democrats eagerly pushed Indians west to obtain all of their lands east of the Mississippi for white settlers. The elite paternalism of the Federalists and Whigs emphasized class over race, which justified denying the vote to poor whites while preserving it for those few free blacks who owned a farm.

Resenting the slights of class, common whites rallied to Jeffersonian and Jacksonian politicians who emphasized the racial superiority of all white men. Over Federalist and Whig protests, the Democrats wrote or rewrote state constitutions to expand the vote to all white men who paid any tax, but those constitutions usually disenfranchised free blacks. And the Democrats deprived widows of the vote in the one state (New Jersey) that had permitted it. The Democrats argued that the votes of widows and free blacks served the interests of crypto-aristocrats determined to keep down the common white man.

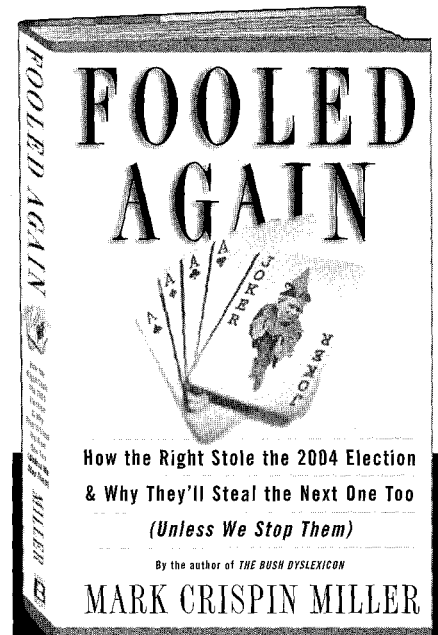
Alas, Neo-Progressive history does not play well in contemporary American politics. Swing voters still prefer a morality tale with epic heroes, a happy trajectory, and a unifying message. Once upon a time, Jefferson and Jackson belonged primarily to the Democratic Party as the opening acts leading to Woodrow Wilson, Franklin Delano Roosevelt, and Harry Truman. That lineage became less coherent after historians recovered the complications of race. At the same time, a political realignment increased the reliance of Democrats on

blacks and women, while the Republicans happily championed white men, especially in the South. With glee, Republicans have claimed the traditional narrative of democracy and its 19th-century heroes.

This Republican cultural victory troubles Sean Wilentz, a distinguished historian active in Democratic politics. Although he does not directly say so, Wilentz joins the recent spate of liberal thinkers—including Thomas Frank, George Lakoff, and Robert Reich—who blame Democratic electoral defeats on inferior storytelling. They all seek an affirmative Democratic narrative that connects with a public understood in general terms rather than as congeries of clashing class, race, and gender identities. On that mission, Wilentz seeks to redeem the traditional democratic tale told by the Progressives.

No reactionary, Wilentz frankly acknowledges the racial sins of his democratic heroes. But he practices a double strategy of containment. First, he denies that the Federalists and Whigs were significantly better on issues of African slavery and Indian dispossession. To that end, he plays up those occasional northern Democrats who championed black political rights in defiance of their party's southern leadership. Second, he insists that democracy for white men should trump the setbacks for blacks, Indians, and women as the headline story for the 19th century. He prefers to see democracy for some as leading eventually to democracy for all, writing that "[a] momentous rupture occurred between Thomas Jefferson's time and Abraham Lincoln's that created the lineaments of modern democratic politics."

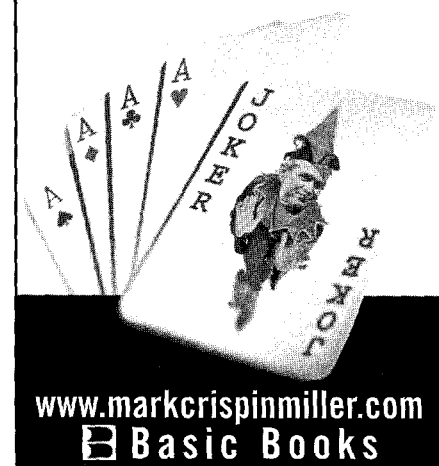
Striving to contain, rather than to deny, the darker aspects of our history, Wilentz writes in two alternating voices: discursive narrative and overt argument. In most of this massive tome, he describes the flow of political events—state constitutions, party conventions, contested elections, congressional debates, presidential vetoes, and Supreme Court decisions. He thoroughly and insightfully covers the old standards, including the Federal Constitution, the



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political war between Jefferson and Alexander Hamilton, the Whiskey Rebellion, the Alien and Sedition acts, the *Marbury v. Madison* decision, Aaron Burr's treason trial, the Embargo, the War of 1812, Nat Turner's Rebellion, Jackson's Bank War, John C. Calhoun's nullification doctrine, William Henry Harrison's log-cabin and hard-cider campaign, the *Dred Scott* case, the rise of Abraham Lincoln and the Republicans—even the Peggy Eaton scandal.

In this narration, Wilentz emphasizes democratic gains but concedes the costs paid by blacks, women, and Indians. Jefferson's "empire of liberty was for whites," and "Jeffersonian idealism about the Indians had a coercive side." He adds, "Northern Democrats did take the lead in disenfranchising blacks ... even as they celebrated the growing political participation of lower-class white men." Wilentz also notes that "Jackson, when aroused, was an implacable and accomplished killer." If he represented American democracy, it was a grim equation.

But the narrative periodically breaks for segments of argument against the Neo-Progressive case for the Federalists and Whigs. When they charged the Jeffersonians and Jacksonians with hypocrisy for holding slaves while preaching liberty, Wilentz detects a political tactic devoid of moral foundation. For example, by dwelling on Jefferson's slave mistress, Federalists sought to embarrass the president, not to free Virginia's slaves. Wilentz also refutes charges that Jacksonian democracy was "a genuine slaveholders' party." He insists that the Democrats resisted abolition only "to protect constitutional order, national harmony, and party unity." If so, they botched all three.

At times, Wilentz seems to debate himself. For example, he struggles to defend Jackson's brutal policy of Indian removal as "sincere" and well-meaning. Yes, Jackson did believe that he was helping Indians by removing them from their covetous white neighbors, but the road to perdition is paved with good intentions. Jackson's sincere coercion helped to kill 8,000 Cherokees on their Trail of Tears west beyond the Mississippi. Ulti-

mately, Wilentz concedes, "Nothing exculpates Jackson and his pro-removal supporters from the basic truths in the antiremoval arguments." Wilentz just wishes that historians would devote less attention to Indian removal and more to Jackson's crusade against the Bank of the United States.

In general, the narrating Wilentz makes a better case than does the arguing Wilentz. For example, he discusses Jackson's tacit support for the suppression of abolitionist literature mailed to the South. Initially, Wilentz vindicates this "show of Jacksonian prudence," but ultimately he acknowledges the "failure of leadership" that "mired the Jacksonian Democracy in contradictions that would one day prove its undoing." Similarly, Democrats both northern and southern, defended "the gag rule," which, until 1844, barred congressional consideration of abolitionist petitions. Defending slavery by suppressing free speech doubly corrupted the democratic cause.

To his credit, Wilentz recognizes that democracy transcended the politics of Jeffersonians and Jacksonians. Indeed, he finds an alternative model of democratic politics developing within the Whig Party as it attracted northeastern and midwestern evangelicals during the late 1830s. Treating politics as moral crusade, the new Whigs sought an activist government to promote temperance, quiet Sabbaths, and Protestant education. Adopting the popular campaign

style of the Jacksonians, the revitalized Whigs captured the presidency in 1840. "Democracy," writes Wilentz, "had spoken as never before—and democracy turned out to be Whig."

But the Whig Party lost its southern wing during the late 1840s and early 1850s, when the nation polarized into "two distinctive democracies, northern and southern." Southern Democrats insisted that white male equality of rights depended on owning a servile class defined by racial inferiority. Northern evangelical Whigs and their Republican heirs concluded that slavery for some threatened liberty and opportunity for all.

For Wilentz, Lincoln ultimately vindicated the northern democracy by returning to the purest of Jeffersonian principles: the equality of all men. Given Jefferson's evasions of equality, there is a better case that Lincoln selectively invented a morally consistent Jefferson, a patron saint for a more inclusive democracy. However useful unto our day, this simplified Jefferson distorts the historical record. But at least his revision seems plausible. Not even Lincoln could perform that operation on Jackson. **TAP**

Alan Taylor, a professor of history at the University of California, Davis, won the Pulitzer Prize for William Cooper's Town: Power and Persuasion on the Frontier of the Early American Republic. His most recent book is Writing Early American History.

BOOKS

RED PARALLELS

THE AGE OF ANXIETY: MCCARTHYISM TO TERRORISM

BY HAYNES JOHNSON Harcourt, 624 pages, \$26.00

BY DAVID GREENBERG

A MAJOR THREAT TO THE UNITED States suddenly seizes national attention. Alongside some level-headed responses, many public figures—motivated by fear, displaced resentment, or opportunism—magnify and exploit the menace in ugly ways. Pandering to an angry, chauvinistic populism, they

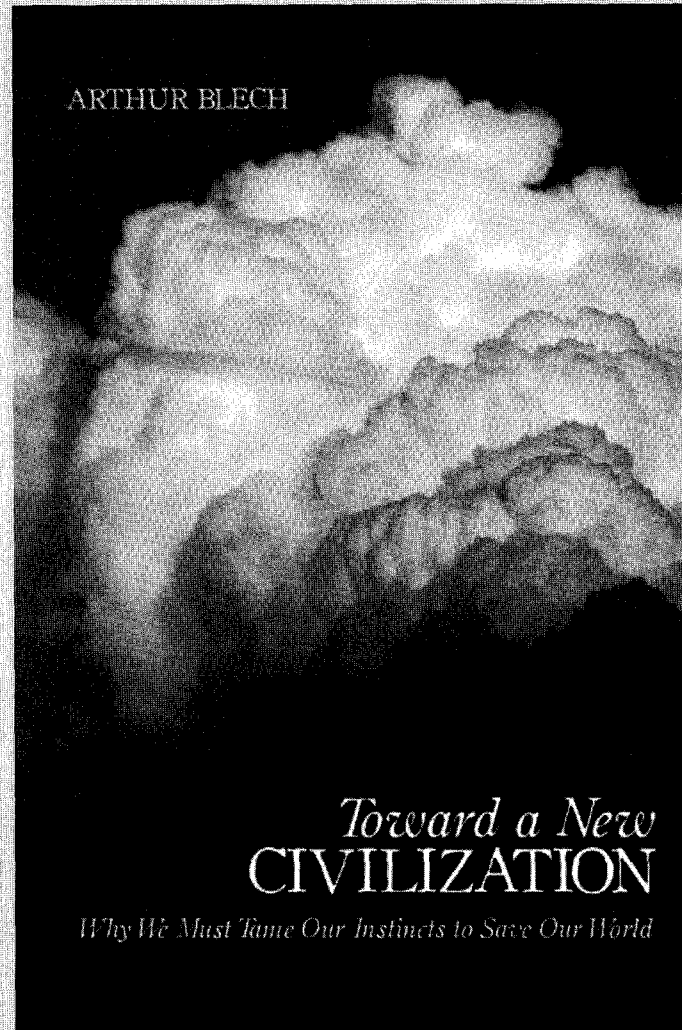
brand opponents, especially liberals, as unmanly, naive, or traitorous. They scorn civil liberties as luxuries in a national crisis. Meanwhile, security drills and government advisories, designed to help citizens protect themselves, re-instill anxiety whenever relaxation promises to return. The news media, for their

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"The book is appearing simultaneously in Germany under the title *Für eine neue Zivilisation*. It will lead to animated discussions there as well as here. Before making judgments based on a 'purely academic standpoint,' I would recommend looking closely at the following: the condition of our civilization and culture, the condition of the earth and its future, and above all, the contents of the unorthodox, yet exceptionally serious and careful argumentation of author Arthur Blech."

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part, squirm under political pressure, with reporters taking refuge in a warped definition of “balance” that often gives slander or propaganda the same weight as the truth.

So it was during the 1950s, and so it is today. Yet as the longtime Washington journalist Haynes Johnson notes in *The Age of Anxiety*, references to the McCarthy years only intermittently inform coverage of contemporary events. He therefore uses the parallels between the Red Scare and our own terrorism scare to frame a book that is largely a biography of Senator Joseph McCarthy—a promising approach that yields mixed results.

It's imperative, of course, not to overdo the comparison between the two eras.

Anxiety, more than fear, lies at the root of political “scares” that have periodically fueled our brash jingoism. Anxiety is amorphous, elusive, and vaporous—and also more insidious.

The perils posed by the Soviet Union in the 1950s and al-Qaeda today differ enough to limit the coherence or usefulness of any analogy. A superpower that vied with the United States for the loyalties of peoples around the globe, the U.S.S.R. never attacked this country; al-Qaeda, a terrorist network that already has struck our soil and probably will again, nonetheless hardly rivals the Soviet Union in might. And whereas communism, at least in the 1930s, did command the allegiance of many Americans, especially in intellectual circles, the number of Islamist radicals here has always been negligible. It is primarily in the realm of domestic politics—in the rhetoric of politicians and in the fights over such issues as civil liberties, patriotism, and press coverage—that terrorism has become the new communism.

Johnson appreciates another key difference between then and now. “While America’s freedoms have been under assault, and in some cases abridged,” he writes, “basically they remain intact. Darkness has not descended on the land.” But his purpose seems to be to remind

readers of the dark times of the McCarthy years, perhaps to help us avoid repeating the errors of the past as we address the urgent need to stop terrorism today.

Unfortunately, for that purpose, *The Age of Anxiety* is a peculiar book. Despite the title and a prologue about September 11, Johnson doesn’t closely examine the relevance or resemblance of McCarthyism to our own anti-terrorism mania. Apart from the prologue, the book relates the story of Senator McCarthy—the most notorious of the Red-baiters, to be sure, but one who, as Johnson correctly states, simply sat atop “an ever-expanding network of anticommunists.”

And McCarthy has hardly lacked for biographies. From the standpoint of

civic education, it’s difficult to object to a scrupulous and appropriately critical life of the Wisconsin senator, especially after the recent issue of some heavily publicized pro-McCarthy tracts. All the same, Johnson doesn’t revise or amplify substantially the scholarship of historians such as Robert Griffith and David Oshinsky (both of whose work he draws on and duly credits).

This is something of a disappointment from Johnson, who is about as eminent and experienced a journalist as Washington has to offer. A political correspondent since the 1950s and for decades a heavy hitter in *The Washington Post’s* all-star lineup of national reporters, Johnson can draw on both his wealth of personal familiarity with American politics and the narrative skills he has honed over 10 or so previous books. He recounts the McCarthy story with his customary clarity and judiciousness and with much interesting detail. But without any revisionist argument, it feels listless to a reader acquainted with these facts.

As a result, *The Age of Anxiety’s* claim on our attention as readers lies all the more

in the connections that Johnson promises to draw between McCarthy’s time and our own. Yet here, too, the book doesn’t quite deliver. Again, Johnson will have rendered a service if his inventory of post-September 11 civil-liberties infringements alerts a wide audience to the horrors occurring in the name of anti-terrorism—not just the well-rehearsed provisions of the PATRIOT Act but also less well-publicized problems such as the Kafkaesque treatment of foreign students and government spying on benign political dissenters. Johnson’s heartfelt, sober cri de coeur should join the writings of Anthony Lewis, David Cole, Mark Danner, and others whose recent alarums, if unavailing, put them in the noble tradition of Alan Barth, Henry Steele Commager, Edward R. Murrow, and the *Washington Post* cartoonist Herblock, the coiner of the word “McCarthyism” and the dedicatee, significantly, of this volume.

Yet despite Johnson’s passion, good intentions, and able distillation of research, the book’s key chapter, titled “Parallels,” doesn’t really lay out how people might combat such violations of our freedoms, what the balance between liberty and security might be (or even if the assumption of a trade-off between the two makes sense), or how the McCarthy years might fruitfully inform our anti-terrorism cause.

An opportunity remains for a writer as comfortable with history and as steeped in Washington politics as Johnson to think through and identify those perdurable aspects of American political culture that allow for frenzies like McCarthyism and today’s terrorism scare to take hold. The common explanation, which Johnson casually endorses, is that politicians exploit fear as a political tool. While there’s obviously some superficial truth to this idea, I don’t think it goes deep enough.

Did fear lead Americans to vote for George W. Bush in 2004? Did our dread of another 9-11 lead us to rally around a president who seemed to stand tall and tough? Not quite. Most of us, quite appropriately, don’t live in terror of another al-Qaeda strike. (If we did, the New York real-estate market certainly wouldn’t be as high it is.) Rather, talk of terrorism, al-Qaeda, and

Osama bin Laden—or for that matter of Iraq and Saddam Hussein—triggers for many people a set of associations, from vulnerability and anger to bravado and desire for revenge, that culminates in an emotional, defensive patriotism.

Bush solidified his popularity after 9-11 because he did what Ronald Reagan had done after the Iranian hostage crisis. Both men drowned the feelings of shame, vulnerability, and impotence that followed from a collective humiliation in a warm bath of nostalgia, militarism, and folksy swagger. Reagan reached back to the 1950s for his bogeyman, summoning antipathies toward Soviet communism that had been fading since the 1960s. With the U.S.S.R. dead, Bush lacked that option; for him terrorism, or, more precisely, Islamist fanaticism, played a similar role in the national demonology. The dangers that al-Qaeda poses are real, and Bush was able to turn the resulting public distress to political advantage.

This is why, during the 2004 election, news stories about the problem-

plagued Iraq campaign helped Bush as much as references to the war on terrorism did, even though pollsters and commentators understandably categorized the two undertakings separately. Voters didn't distinguish sharply between these enterprises; both were expressions of military might and national pride that gave people confidence that America remained exceptional, powerful, even ascendant in the world.

A comparable dynamic also underpinned support for, if not McCarthy himself, the countless McCarthy-like Red-baiters who ran amok in the 1950s. In those years Americans also felt vulnerable—about Korea, assorted geopolitical crises in Europe, and the Soviets' first nuclear capability, as well as about the true loyalties of their fellow citizens. Johnson does not distinguish as carefully as perhaps he should between fear and anxiety (which are related but not identical). But in various places, including his title, he suggests that the latter, not the former, lies at the root of politi-

cal "scares" that have periodically fueled our brash jingoism and stigmatized liberal prudence. Fear is immediate; anxiety is amorphous, elusive, and vaporous—and also more insidious.

As was clear to mid-century thinkers such as Erich Fromm and W. H. Auden (who wrote the original *Age of Anxiety* in 1947), anxiety stems not from external threats but from our internal, psychological efforts to cope with existential circumstances—freedom, technology, modernity. If that explanation is right, it suggests that just as victory in the Cold War offered only brief relief before the war on terrorism, so victory in this twilight struggle, should it come, will surely give way to a new fight and to another anxious age. **TAP**

David Greenberg is a professor of media studies and history at Rutgers University and the author of Nixon's Shadow: The History of an Image. He is writing a biography of Calvin Coolidge for the American Presidents Series from Henry Holt.

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A Covenant With America

BY ROBERT B. REICH

NEWTON, YOUR 1994 "CONTRACT WITH AMERICA" helped win Congress for Republicans, but as subsequent history has shown, it did less than nothing for America. The nation is in deep trouble, and today's congressional Republicans are as unpopular as congressional

Dems were then.

Here's a 10-point manifesto that, if followed, may both win Congress back for Democrats and get the nation back on a path toward true prosperity, peace, and progress. Eat your heart out.

1. Competence. We promise America a competent government headed by people with expertise and experience. We will never appoint or confirm cronies whose main qualification for office is personal connection or party loyalty.

2. Fiscal responsibility and a capital budget. We will get the federal budget back under control by barring special spending (pork to political loyalists back home) and corporate welfare (subsidies to particular industries like agribusiness, oil, and pharmaceuticals). We will create a national "capital budget" so that federal construction money never again goes to bridges to nowhere in Alaska and instead goes to stronger levees in New Orleans.

3. Fighting terrorism and getting out of Iraq. We will fight terrorism with a strong military and with economic investments and aid for poor nations that are often the breeding grounds for terrorism. But we will withdraw American troops from Iraq. As even our generals now tell us, our presence there is incubating new terrorists and fomenting anti-Americanism around the world.

4. Ending torture and respecting the rule of law. We will respect the Geneva Conventions. We will never condone torture or keep people imprisoned indefi-

nately without due process of law.

5. Reducing oil dependence and greenhouse gases. We will reduce American dependence on oil and reduce global warming. By 2020, 20 percent of our energy will come from solar, wind, biomass, and other alternative sources. Also by 2020, America will utilize 20-percent less fuel than today.

6. Restoring the middle class. We will restore the growth of the American middle class and of middle-class incomes. Supply-side economics, which rewards the rich with generous tax breaks and tells us that the resulting economic growth will "trickle down" to everyone else, has proven a cruel hoax. Little or nothing is trickling down. A quarter of all the benefits of economic growth now go to the richest one-tenth of 1 percent of Americans. We are determined to reverse course.

7. A progressive tax code. The cost of making the nation's homeland secure against terrorism and natural disasters and of providing adequate health care and education—without falling deeper into debt—will require more federal revenue. Yet the middle class cannot afford more taxes. It's time for the rich to bear their fair share. We will impose a surtax of one-tenth of 1 percent per year on net worth

in excess of \$1 million and will roll back the administration's tax cuts for those earning more than \$300,000 a year.

8. A minimum health-care wage. The cost of health insurance for the typical family is rising by double digits, while 46 million Americans are without insurance altogether. We will establish a simple "minimum health-care wage" offering basic health insurance—one free checkup per year, five free medical visits, one free dental, choice of doctor or dentist limited to an approved list, free drugs up to \$1,000 per year—to any American wishing to join. The expected large scale of this program will give government bargaining leverage to get low prices from providers and drug companies.

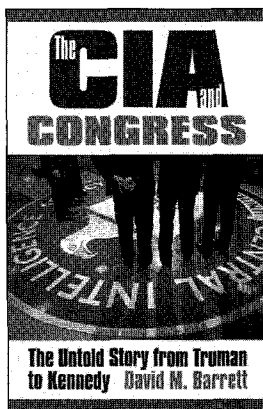
9. Lifelong education through progressive vouchers and re-employment insurance. We will finance every K-14 student (that's right—two years beyond high school) with a progressive voucher in an amount inversely related to family income. (This year, for example, it would range from \$15,000 for students from families at or below the poverty line to \$3,000 for students from families in the wealthiest 10 percent.) The vouchers could be used at any publicly certified school.

In addition, we will turn the unemployment insurance system into a "re-employment insurance system." Recipients will get job training, job-search assistance, and, if the new job pays less than the old, wage insurance paying half the difference for a year.

10. Maintain separation of church and state. We will never

allow religion to dictate whether an individual must be kept on life support, young people can gain access to birth-control information or counseling, women will have the freedom to choose to terminate a pregnancy, research can be done on stem cells or any other potential scientific innovation, or public schools must teach nonscientific interpretations of sacred texts. **TAP**

*A 10-point
manifesto that
will be good for
the Democrats—
and better for
the country.*



The CIA and Congress **The Untold Story from Truman to Kennedy**

David M. Barrett

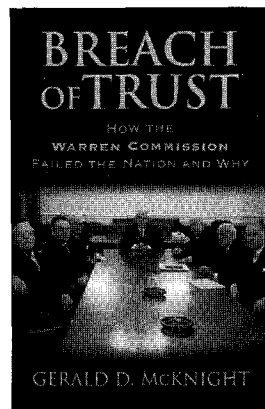
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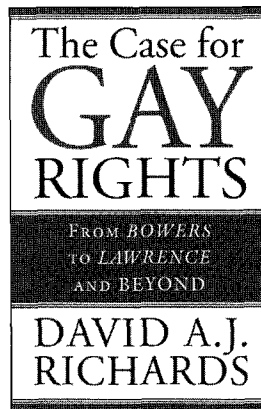
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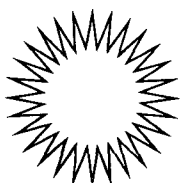
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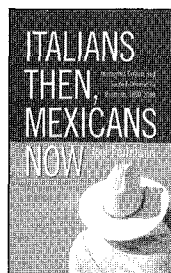
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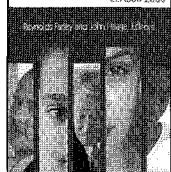


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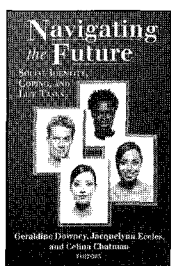
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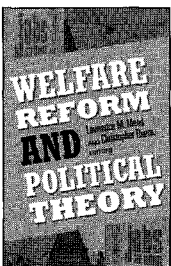
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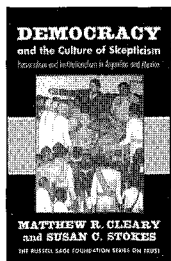
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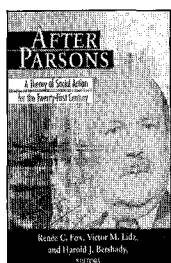
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